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SECOND SESSION, FORTY-THIRD CONGRESS.

EXECUTIVE DOCUMENTS

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THE HOUSE OF REPRESENTATIVES.

1874-'75.

IN EIGHTEEN VOLUMES.

- Volume 1....No. 1, part 1, Foreign Relations.
Volume 2....No. 1, part 2, War, (vol. 1.)
Volume 3....No. 1, part 2, War, (vol. 2, part 1.)
Volume 4....No. 1, part 2, War, (vol. 2, part 2.)
Volume 5....No. 1, part 3, Navy; No. 1, part 4, Postmaster-General;
and No. 7, Attorney-General.
Volume 6....No. 1, part 5, Interior, (vol. 1.)
Volume 7....No. 1, part 5, Interior, (vol. 2, Education.)
Volume 8....No. 1, part 6, Commissioners of the District of Colum-
bia; and No. 2, Finance Report.
Volume 9....No. 3, Currency; and No. 4, Internal Revenue.
Volume 10....No. 5; No. 6, and No. 150.
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Volume 14....No. 100, Coast Survey.
Volume 15....No. 101 to No. 170, except Nos. 150 and 157.
Volume 16....No. 157, Commercial Relations.
Volume 17....No. 171, Commerce and Navigation.
Volume 18....No. 172 to 180, inclusive.
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THE HOUSE OF REPRESENTATIVES

1874-75

IN RESPONSE TO A RESOLUTION



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OF THE

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PAPERS

RELATING TO THE

FOREIGN RELATIONS

OF

The United States,

TRANSMITTED TO CONGRESS,

WITH THE ANNUAL MESSAGE OF THE PRESIDENT,

DECEMBER 7, 1874.

PRECEDED BY A

LIST OF PAPERS AND FOLLOWED BY AN INDEX OF
PERSONS AND SUBJECTS.



WASHINGTON:
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1874.

PAYERS

FOREIGN RELATIONS

The United States

TRANSMITTED TO THE

WITH THE ADJUTANT GENERAL OF THE DEPARTMENT

DEPARTMENT OF THE ARMY

OFFICE OF THE ADJUTANT GENERAL

LIST OF OFFICERS AND SOLDIERS OF THE ARMY OF THE UNITED STATES
WHO HAVE BEEN KILLED IN ACTION

MESSAGE.

To the Senate and House of Representatives:

Since the convening of Congress, one year ago, the nation has undergone a prostration in business and industries such as has not been witnessed with us for many years. Speculation as to the causes for this prostration might be indulged in without profit, because as many theories would be advanced as there would be independent writers—those who expressed their own views, without borrowing—upon the subject. Without indulging in theories as to the cause of this prostration, therefore, I will call your attention only to the fact, and to some plain questions as to which it would seem there should be no disagreement.

During this prostration two essential elements of prosperity have been most abundant: labor and capital. Both have been largely unemployed. Where security has been undoubted, capital has been attainable at very moderate rates. Where labor has been wanted, it has been found in abundance, at cheap rates compared with what—of necessities and comforts of life—could be purchased with the wages demanded. Two great elements of prosperity, therefore, have not been denied us. A third might be added: our soil and climate are unequaled, within the limits of any contiguous territory under one nationality, for its variety of products to feed and clothe a people, and in the amount of surplus to spare to feed less favored peoples. Therefore, with these facts in view, it seems to me that wise statesmanship, at this session of Congress, would dictate legislation ignoring the past; directing in proper channels these great elements of prosperity to any people. Debt, debt abroad, is the only element that can—with always a sound currency—enter into our affairs to cause any continued depression in the industries and prosperity of our people.

A great conflict for national existence made necessary, for temporary purposes, the raising of large sums of money from whatever source attainable. It made it necessary, in the wisdom of Congress—and I do not doubt their wisdom in the premises, regarding the necessity of the times—to devise a system of national currency, which it proved to be impossible to keep on a par with the recognized currency of the civilized world. This begot a spirit of speculation involving an extravagance and luxury not required for the happiness or prosperity of a people, and involving, both directly and indirectly, foreign indebtedness. The currency being of fluctuating value, and therefore unsafe to hold for legitimate transactions requiring money, became a subject of

speculation within itself. These two causes, however, have involved us in a foreign indebtedness, contracted in good faith by borrower and lender, which should be paid in coin, and according to the bond agreed upon when the debt was contracted—gold or its equivalent. The good faith of the Government cannot be violated toward creditors without national disgrace. But our commerce should be encouraged; American ship-building and carrying capacity increased; foreign markets sought for products of the soil and manufactories, to the end that we may be able to pay these debts. Where a new market can be created for the sale of our products, either of the soil, the mine, or the manufactory, a new means is discovered of utilizing our idle capital and labor to the advantage of the whole people. But, in my judgment, the first step toward accomplishing this object is to secure a currency of fixed, stable value; a currency, good wherever civilization reigns; one which, if it becomes superabundant with one people, will find a market with some other; a currency which has as its basis the labor necessary to produce it, which will give to it its value. Gold and silver are now the recognized medium of exchange the civilized world over; and to this we should return with the least practicable delay. In view of the pledges of the American Congress when our present legal-tender system was adopted, and debt contracted, there should be no delay—certainly no unnecessary delay—in fixing, by legislation, a method by which we will return to specie. To the accomplishment of this end I invite your special attention. I believe firmly that there can be no prosperous and permanent revival of business and industries until a policy is adopted—with legislation to carry it out—looking to a return to a specie basis. It is easy to conceive that the debtor and speculative classes may think it of value to them to make so-called money abundant until they can throw a portion of their burdens upon others. But even these, I believe, would be disappointed in the result if a course should be pursued which will keep in doubt the value of the legal-tender medium of exchange. A revival of productive industry is needed by all classes; by none more than the holders of property, of whatever sort, with debts to liquidate from realization upon its sale. But admitting that these two classes of citizens are to be benefited by expansion, would it be honest to give it? Would not the general loss be too great to justify such relief? Would it not be just as honest and prudent to authorize each debtor to issue his own legal-tenders to the extent of his liabilities? Than to do this would it not be safer—for fear of over-issues by unscrupulous creditors—to say that all debt obligations are obliterated in the United States, and now we commence anew, each possessing all he has at the time free from incumbrance? These propositions are too absurd to be entertained for a moment by thinking or honest people. Yet every delay in preparation for final resumption partakes of this dishonesty, and is only less in degree as the hope is held out that a convenient

season will at last arrive for the good work of redeeming our pledges to commence. It will never come, in my opinion, except by positive action by Congress, or by national disasters which will destroy, for a time at least, the credit of the individual and the state at large. A sound currency might be reached by total bankruptcy and discredit of the integrity of the nation and of individuals. I believe it is in the power of Congress at this session to devise such legislation as will renew confidence, revive all the industries, start us on a career of prosperity to last for many years, and to save the credit of the nation and of the people. Steps toward the return to a specie basis are the great requisites to this devoutly to be sought for end. There are others which I may touch upon hereafter.

A nation dealing in a currency below that of specie in value labors under two great disadvantages: First, having no use for the world's acknowledged medium of exchange, gold and silver, these are driven out of the country because there is no need for their use; second, the medium of exchange in use being of a fluctuating value—for, after all, it is only worth just what it will purchase of gold and silver; metals having an intrinsic value just in proportion to the honest labor it takes to produce them—a larger margin must be allowed for profit by the manufacturer and producer. It is months from the date of production to the date of realization. Interest upon capital must be charged, and risk of fluctuation in the value of that which is to be received in payment added. Hence, high prices, acting as a protection to the foreign producer, who receives nothing in exchange for the products of his skill and labor, except a currency good, at a stable value the world over. It seems to me that nothing is clearer than that the greater part of the burden of existing prostration, for the want of a sound financial system, falls upon the workingman, who must after all produce the wealth, and the salaried man, who superintends and conducts business. The burden falls upon them in two ways, by the deprivation of employment and by the decreased purchasing-power of their salaries. It is the duty of Congress to devise the method of correcting the evils which are acknowledged to exist, and not mine. But I will venture to suggest two or three things which seem to me as absolutely necessary to a return to specie payments, the first great requisite in a return to prosperity. The legal-tender clause to the law authorizing the issue of currency by the National Government should be repealed, to take effect as to all contracts entered into after a day fixed in the repealing act; not to apply, however, to payments of salaries by Government, or for other expenditures now provided by law to be paid in currency in the interval pending between repeal and final resumption. Provision should be made by which the Secretary of the Treasury can obtain gold as it may become necessary from time to time from the date when specie redemption commences. To this might and should be added a revenue

sufficiently in excess of expenses to insure an accumulation of gold in the Treasury to sustain permanent redemption.

I commend this subject to your careful consideration, believing that a favorable solution is attainable, and if reached by this Congress that the present and future generations will ever gratefully remember it as their deliverer from a thralldom of evil and disgrace.

With resumption, free banking may be authorized with safety, giving the same full protection to bill-holders which they have under existing laws. Indeed, I would regard free banking as essential. It would give proper elasticity to the currency. As more currency should be required for the transaction of legitimate business, new banks would be started, and, in turn, banks would wind up their business when it was found that there was a superabundance of currency. The experience and judgment of the people can best decide just how much currency is required for the transaction of the business of the country. It is unsafe to leave the settlement of this question to Congress, the Secretary of the Treasury, or the Executive. Congress should make the regulation under which banks may exist, but should not make banking a monopoly by limiting the amount of redeemable paper currency that shall be authorized. Such importance do I attach to this subject, and so earnestly do I commend it to your attention, that I give it prominence by introducing it at the beginning of this message.

During the past year nothing has occurred to disturb the general friendly and cordial relations of the United States with other powers.

The correspondence submitted herewith between this Government and its diplomatic representatives, as also with the representatives of other countries, shows a satisfactory condition of all questions between the United States and the most of those countries, and with few exceptions, to which reference is hereafter made, the absence of any points of difference to be adjusted.

The notice directed by the resolution of Congress of June 17, 1874, to be given to terminate the convention of July 17, 1858, between the United States and Belgium has been given, and the treaty will accordingly terminate on the 1st day of July, 1875. This convention secured to certain Belgian vessels entering the ports of the United States exceptional privileges which are not accorded to our own vessels. Other features of the convention have proved satisfactory, and have tended to the cultivation of mutually beneficial commercial intercourse and friendly relations between the two countries. I hope that negotiations which have been invited will result in the celebration of another treaty which may tend to the interests of both countries.

Our relations with China continue to be friendly. During the past year the fear of hostilities between China and Japan, growing out of the landing of an armed force upon the island of Formosa by the latter, has occasioned uneasiness. It is earnestly hoped, however, that the difficulties arising from this cause will be adjusted, and that the advance of

civilization in these empires may not be retarded by a state of war. In consequence of the part taken by certain citizens of the United States in this expedition, our representatives in those countries have been instructed to impress upon the governments of China and Japan the firm intention of this country to maintain strict neutrality in the event of hostilities, and to carefully prevent any infraction of law on the part of our citizens.

In connection with this subject I call the attention of Congress to a generally-conceded fact—that the great proportion of the Chinese immigrants who come to our shores do not come voluntarily to make their homes with us and their labor productive of general prosperity, but come under contracts with head-men who own them almost absolutely. In a worse form does this apply to Chinese women. Hardly a perceptible percentage of them perform any honorable labor, but they are brought for shameful purposes, to the disgrace of the communities where settled and to the great demoralization of the youth of those localities. If this evil practice can be legislated against, it will be my pleasure as well as duty to enforce any regulation to secure so desirable an end.

It is hoped that negotiations between the government of Japan and the treaty powers, looking to the further opening of the empire, and to the removal of various restrictions upon trade and travel, may soon produce the results desired, which cannot fail to inure to the benefit of all the parties. Having on previous occasions submitted to the consideration of Congress the propriety of the release of the Japanese government from the further payment of the indemnity under the convention of October 22, 1864, and as no action had been taken thereon, it became my duty to regard the obligations of the convention as in force; and as the other powers interested had received their portion of the indemnity in full, the minister of the United States in Japan has, in behalf of this Government, received the remainder of the amount due to the United States under the convention of Simonoseki. I submit the propriety of applying the income of a part if not of the whole of this fund to the education in the Japanese language of a number of young men to be under obligations to serve the Government for a specified time as interpreters at the legation and the consulates in Japan. A limited number of Japanese youths might at the same time be educated in our own vernacular, and mutual benefits would result to both governments. The importance of having our own citizens, competent and familiar with the language of Japan, to act as interpreters and in other capacities connected with the legation and the consulates in that country, cannot readily be overestimated.

The amount awarded to the government of Great Britain by the mixed commission organized under the provisions of the treaty of Washington in settlement of the claims of British subjects arising from acts committed between April 13, 1861, and April 9, 1865, became payable, under the terms of the treaty, within the past year, and was paid upon

the 21st day of September, 1874. In this connection, I renew my recommendation, made at the opening of the last session of Congress, that a special court be created to hear and determine all claims of aliens against the United States arising from acts committed against their persons or property during the insurrection. It appears equitable that opportunity should be offered to citizens of other states to present their claims, as well as to those British subjects whose claims were not admissible under the late commission, to the early decision of some competent tribunal. To this end, I recommend the necessary legislation to organize a court to dispose of all claims of aliens of the nature referred to, in an equitable and satisfactory manner, and to relieve Congress and the Departments from the consideration of these questions.

The legislation necessary to extend to the colony of Newfoundland certain articles of the treaty of Washington of the 8th day of May, 1871, having been had, a protocol to that effect was signed in behalf of the United States and of Great Britain, on the 28th day of May last, and was duly proclaimed on the following day. A copy of the proclamation is submitted herewith.

A copy of the report of the commissioner appointed under the act of March 19, 1872, for surveying and marking the boundary between the United States and the British possessions, from the Lake of the Woods to the summit of the Rocky Mountains, is herewith transmitted. I am happy to announce that the field-work of the commission has been completed, and the entire line, from the northwest corner of the Lake of the Woods to the summit of the Rocky Mountains, has been run and marked upon the surface of the earth. It is believed that the amount remaining unexpended of the appropriation made at the last session of Congress will be sufficient to complete the office-work. I recommend that the authority of Congress be given to the use of the unexpended balance of the appropriation in the completion of the work of the commission in making its report and preparing the necessary maps.

The court known as the Court of Commissioners of Alabama Claims, created by an act of Congress of the last session, has organized and commenced its work, and it is to be hoped that the claims admissible under the provisions of the act may be speedily ascertained and paid.

It has been deemed advisable to exercise the discretion conferred upon the Executive at the last session, by accepting the conditions required by the government of Turkey for the privilege of allowing citizens of the United States to hold real estate in the former country, and by assenting to a certain change in the jurisdiction of courts in the latter. A copy of the proclamation upon these subjects is herewith communicated.

There has been no material change in our relations with the independent states of this hemisphere which were formerly under the dominion of Spain. Marauding on the frontiers, between Mexico and Texas, still frequently takes place despite the vigilance of the civil and military

authorities in that quarter. The difficulty of checking such trespasses along the course of a river of such length as the Rio Grande, and so often fordable, is obvious. It is hoped that the efforts of this Government will be seconded by those of Mexico to the effectual suppression of these acts of wrong.

From a report upon the condition of the business before the American and Mexican Joint Claims Commission, made by the agent on the part of the United States, and dated October 28, 1874, it appears that of the 1,017 claims filed on the part of citizens of the United States, 483 had been finally decided, and 75 were in the hands of the umpire, leaving 462 to be disposed of; and of the 998 claims filed against the United States, 726 had been finally decided; one was before the umpire, and 271 remained to be disposed of. Since the date of such report other claims have been disposed of, reducing somewhat the number still pending; and others have been passed upon by the arbitrators. It has become apparent, in view of these figures, and of the fact that the work devolving on the umpire is particularly laborious, that the commission will be unable to dispose of the entire number of claims pending prior to the 1st day of February, 1875—the date fixed for its expiration. Negotiations are pending looking to the securing of the results of the decisions which have been reached, and to a further extension of the commission for a limited time, which it is confidently hoped will suffice to bring all the business now before it to a final close.

The strife in the Argentine Republic is to be deplored, both on account of the parties thereto and from the probable effects on the interests of those engaged in the trade to that quarter, of whom the United States are among the principal. As yet, so far as I am aware, there has been no violation of our neutrality rights, which, as well as our duties in that respect, it shall be my endeavor to maintain and observe.

It is with regret I announce that no further payment has been received from the government of Venezuela on account of awards in favor of citizens of the United States. Hopes have been entertained that if that republic could escape both foreign and civil war for a few years its great natural resources would enable it to honor its obligations. Though it is now understood to be at peace with other countries, a serious insurrection is reported to be in progress in an important region of that republic. This may be taken advantage of as another reason to delay the payment of the dues of our citizens.

The deplorable strife in Cuba continues without any marked change in the relative advantages of the contending forces. The insurrection continues, but Spain has gained no superiority. Six years of strife give to the insurrection a significance which cannot be denied. Its duration and the tenacity of its adherence, together with the absence of manifested power of suppression on the part of Spain, cannot be controverted, and may make some positive steps on the part of other powers a matter of self-necessity. I had confidently hoped, at this time, to be able to

announce the arrangement of some of the important questions between this Government and that of Spain, but the negotiations have been protracted. The unhappy intestine dissensions of Spain command our profound sympathy, and must be accepted as perhaps a cause of some delay. An early settlement, in part at least, of the questions between the governments is hoped. In the mean time, awaiting the results of immediately pending negotiations, I defer a further and fuller communication on the subject of the relations of this country and Spain.

I have again to call the attention of Congress to the unsatisfactory condition of the existing laws with reference to expatriation and the election of nationality. Formerly, amid conflicting opinions and decisions it was difficult to exactly determine how far the doctrine of perpetual allegiance was applicable to citizens of the United States. Congress by the act of the 27th of July, 1868, asserted the abstract right of expatriation as a fundamental principle of this Government. Notwithstanding such assertion, and the necessity of frequent application of the principle, no legislation has been had defining what acts or formalities shall work expatriation, or when a citizen shall be deemed to have renounced or to have lost his citizenship. The importance of such definition is obvious. The representatives of the United States in foreign countries are continually called upon to lend their aid and the protection of the United States to persons concerning the good faith or the reality of whose citizenship there is at least great question. In some cases the provisions of the treaties furnish some guide; in others, it seems left to the person claiming the benefits of citizenship, while living in a foreign country, contributing in no manner to the performance of the duties of a citizen of the United States, and without intention at any time to return and undertake those duties, to use the claims to citizenship of the United States simply as a shield from the performance of the obligations of a citizen elsewhere.

The status of children born of American parents residing in a foreign country, of American women who have married aliens, of American citizens residing abroad where such question is not regulated by treaty, are all sources of frequent difficulty and discussion. Legislation on these and similar questions, and particularly defining when and under what circumstances expatriation can be accomplished or is to be presumed, is especially needed. In this connection I earnestly call the attention of Congress to the difficulties arising from fraudulent naturalization. The United States wisely, freely, and liberally offers its citizenship to all who may come in good faith to reside within its limits on their complying with certain prescribed reasonable and simple formalities and conditions. Among the highest duties of the Government is that to afford firm, sufficient, and equal protection to all its citizens, whether native-born or naturalized. Care should be taken that a right, carrying with it such support from the Government, should not be fraudulently obtained, and should be be-

stowed only upon full proof of a compliance with the law; and yet frequent instances are brought to the attention of the Government of illegal and fraudulent naturalization, and of the unauthorized use of certificates thus improperly obtained. In some cases the fraudulent character of the naturalization has appeared upon the face of the certificate itself; in others examination discloses that the holder had not complied with the law; and in others certificates have been obtained where the persons holding them not only were not entitled to be naturalized, but had not even been within the United States at the time of the pretended naturalization. Instances of each of these classes of fraud are discovered at our legations, where the certificates of naturalization are presented, either for the purpose of obtaining passports, or in demanding the protection of the legation. When the fraud is apparent on the face of such certificates, they are taken up by the representatives of the Government and forwarded to the Department of State. But even then the record of the court in which the fraudulent naturalization occurred remains, and duplicate certificates are readily obtainable. Upon the presentation of these for the issue of passports, or in demanding protection of the Government, the fraud sometimes escapes notice, and such certificates are not infrequently used in transactions of business to the deception and injury of innocent parties. Without placing any additional obstacles in the way of the obtainment of citizenship by the worthy and well-intentioned foreigner who comes in good faith to cast his lot with ours, I earnestly recommend further legislation to punish fraudulent naturalization and to secure the ready cancellation of the record of every naturalization made in fraud.

Since my last annual message the exchange has been made of the ratification of treaties of extradition with Belgium, Ecuador, Peru, and Salvador; also of a treaty of commerce and navigation with Peru, and one of commerce and consular privileges with Salvador; all of which have been duly proclaimed, as has also a declaration with Russia with reference to trade-marks.

The report of the Secretary of the Treasury, which, by law, is made directly to Congress, and forms no part of this message, will show the receipts and expenditures of the Government for the last fiscal year; the amount received from each source of revenue, and the amount paid out for each of the departments of Government. It will be observed from this report that the amount of receipts over expenditures has been but \$2,344,882.30 for the fiscal year ending June 30, 1874, and that for the current fiscal year the estimated receipts over expenditures will not much exceed nine millions of dollars. In view of the large national debt existing, and the obligation to add one per cent. per annum to the sinking-fund, a sum amounting now to over \$34,000,000 per annum, I submit whether revenues should not be increased or expenditures diminished to reach this amount of surplus. Not to provide for the sinking-fund is a partial failure to comply with the contracts and obli-

gations of the Government. At the last session of Congress a very considerable reduction was made in rates of taxation, and in the number of articles submitted to taxation; the question may well be asked whether or not, in some instances, unwisely. In connection with this subject, too, I venture the opinion that the means of collecting the revenue, especially from imports, have been so embarrassed by legislation as to make it questionable whether or not large amounts are not lost by failure to collect, to the direct loss of the Treasury and to the prejudice of the interests of honest importers and tax-payers.

The Secretary of the Treasury in his report favors legislation looking to an early return to specie payments, thus supporting views previously expressed in this message. He also recommends economy in appropriations; calls attention to the loss of revenue from repealing the tax on tea and coffee, without benefit to the consumer; recommends an increase of ten cents a gallon on whisky, and, further, that no modification be made in the banking and currency bill passed at the last session of Congress, unless modification should become necessary by reason of the adoption of measures for returning to specie payments. In these recommendations I cordially join.

I would suggest to Congress the propriety of re-adjusting the tariff so as to increase the revenue, and, at the same time, decrease the number of articles upon which duties are levied. Those articles which enter into our manufactures, and are not produced at home, it seems to me should be entered free. Those articles of manufacture which we produce a constituent part of, but do not produce the whole, that part which we do not produce should enter free also. I will instance fine wool, dyes, &c. These articles must be imported to form a part of the manufacture of the higher grades of woollen goods. Chemicals used as dyes, compounded in medicines, and used in various ways in manufactures, come under this class. The introduction, free of duty, of such wools as we do not produce would stimulate the manufacture of goods requiring the use of those we do produce, and, therefore, would be a benefit to home production. There are many articles entering into "home manufactures" which we do not produce ourselves, the tariff upon which increases the cost of producing the manufactured article. All corrections in this regard are in the direction of bringing labor and capital in harmony with each other, and of supplying one of the elements of prosperity so much needed.

The report of the Secretary of War, herewith attached, and forming a part of this message, gives all the information concerning the operations, wants, and necessities of the Army, and contains many suggestions and recommendations which I commend to your special attention.

There is no class of Government employés who are harder worked than the Army—officers and men; none who perform their tasks more cheerfully and efficiently, and under circumstances of greater privations and hardships.

Legislation is desirable to render more efficient this branch of the

public service. All the recommendations of the Secretary of War I regard as judicious, and I especially commend to your attention the following: The consolidation of Government arsenals; the restoration of mileage to officers traveling under orders; the exemption of money received from the sale of subsistence stores from being covered into the Treasury; the use of appropriations for the purchase of subsistence stores without waiting for the beginning of the fiscal year for which the appropriation is made; for additional appropriations for the collection of torpedo material; for increased appropriations for the manufacture of arms; for relieving the various States from indebtedness for arms charged to them during the rebellion; for dropping officers from the rolls of the Army without trial for the offense of drawing pay more than once for the same period; for the discouragement of the plan to pay soldiers by checks; and for the establishment of a professorship of rhetoric and English literature at West Point. The reasons for these recommendations are obvious, and are set forth sufficiently in the reports attached. I also recommend that the status of the staff corps of the Army be fixed—where this has not already been done—so that promotions may be made and vacancies filled as they occur in each grade when reduced below the number to be fixed by law. The necessity for such legislation is specially felt now in the Pay Department. The number of officers in that department is below the number adequate to the performance of the duties required of them by law.

The efficiency of the Navy has been largely increased during the last year. Under the impulse of the foreign complications which threatened us at the commencement of the last session of Congress, most of our efficient wooden ships were put in condition for immediate service, and the repairs of our iron-clad fleet were pushed with the utmost vigor. The result is that most of these are now in an effective state, and need only to be manned and put in commission to go at once into service.

Some of the new sloops authorized by Congress are already in commission, and most of the remainder are launched and wait only the completion of their machinery to enable them to take their places as part of our effective force.

Two iron torpedo-ships have been completed during the last year, and four of our large double-turreted iron-clads are now undergoing repairs. When these are finished, everything that is useful of our Navy, as now authorized, will be in condition for service, and with the advance in the science of torpedo warfare, the American Navy, comparatively small as it is, will be found at any time powerful for the purposes of a peaceful nation.

Much has been accomplished during the year in aid of science and to increase the sum of general knowledge and further the interests of commerce and civilization. Extensive and much-needed soundings have been made for hydrographic purposes and to fix the proper routes of ocean telegraphs. Further surveys of the great Isthmus have been

undertaken and completed, and two vessels of the Navy are now employed, in conjunction with those of England, France, Germany, and Russia, in observations connected with the transit of Venus, so useful and interesting to the scientific world.

The estimates for this branch of the public service do not differ materially from those of last year, those for the general support of the service being somewhat less, and those for permanent improvements at the various stations rather larger than the corresponding estimate made a year ago. The regular maintenance and a steady increase in the efficiency of this most important arm in proportion to the growth of our maritime intercourse and interests, is recommended to the attention of Congress.

The use of the Navy in time of peace might be further utilized by a direct authorization of the employment of naval vessels in explorations and surveys of the supposed navigable waters of other nationalities on this continent; specially the tributaries of the two great rivers of South America, the Orinoco and the Amazon. Nothing prevents, under existing laws, such exploration, except that expenditures must be made in such expeditions beyond those usually provided for in the appropriations. The field designated is unquestionably one of interest and one capable of large development of commercial interests advantageous to the peoples reached, and to those who may establish relations with them.

Education of the people entitled to exercise the right of franchise I regard essential to general prosperity everywhere, and especially so in republics, where birth, education, or previous condition does not enter into account in giving suffrage. Next to the public school, the post-office is the great agent of education over our vast territory; the rapidity with which new sections are being settled, thus increasing the carrying of mails in a more rapid ratio than the increase of receipts, is not alarming. The report of the Postmaster-General, herewith attached, shows that there was an increase of revenue in his Department in 1873 over the previous year of \$1,674,411, and an increase of cost of carrying the mails and paying employes of \$3,041,468.91. The report of the Postmaster-General gives interesting statistics of his Department, and compares them with the corresponding statistics of a year ago, showing a growth in every branch of the Department.

A postal convention has been concluded with New South Wales, an exchange of postal cards established with Switzerland, and the negotiations pending for several years past with France have been terminated in a convention with that country, which went into effect last August.

An international postal congress was convened in Berne, Switzerland, in September last, at which the United States was represented by an officer of the Post-Office Department of much experience and of qualification for the position. A convention for the establishment of an international postal union was agreed upon and signed by the delegates of

the countries represented, subject to the approval of the proper authorities of those countries.

I respectfully direct your attention to the report of the Postmaster-General, and to his suggestions in regard to an equitable adjustment of the question of compensation to railroads for carrying the mails.

Your attention will be drawn to the unsettled condition of affairs in some of the Southern States.

On the 14th of September last, the governor of Louisiana called upon me, as provided by the Constitution and laws of the United States, to aid in suppressing domestic violence in that State. This call was made in view of a proclamation issued on that day by D. B. Penn, claiming that he was elected lieutenant-governor in 1872, and calling upon the militia of the State to arm, assemble, and drive from power the usurpers, as he designated the officers of the State government. On the next day I issued my proclamation commanding the insurgents to disperse within five days from the date thereof, and subsequently learned that on that day they had taken forcible possession of the State-house. Steps were taken by me to support the existing and recognized State government; but before the expiration of the five days the insurrectionary movement was practically abandoned, and the officers of the State government, with some minor exceptions, resumed their powers and duties. Considering that the present State administration of Louisiana has been the only government in that State for nearly two years; that it has been tacitly acknowledged and acquiesced in as such by Congress, and more than once expressly recognized by me, I regarded it as my clear duty, when legally called upon for that purpose, to prevent its overthrow by an armed mob under pretense of fraud and irregularity in the election of 1872. I have heretofore called the attention of Congress to this subject, stating that, on account of the frauds and forgeries committed at said election, and because it appears that the returns thereof were never legally canvassed, it was impossible to tell thereby who were chosen; but, from the best sources of information at my command, I have always believed that the present State officers received a majority of the legal votes actually cast at that election. I repeat what I said in my special message of February 23, 1873, that in the event of no action by Congress I must continue to recognize the government heretofore recognized by me.

I regret to say that, with preparations for the late election, decided indications appeared in some localities in the Southern States of a determination, by acts of violence and intimidation, to deprive citizens of the freedom of the ballot, because of their political opinions. Bands of men, masked and armed, made their appearance; White Leagues and other societies were formed; large quantities of arms and ammunition were imported and distributed to these organizations; military drills, with menacing demonstrations, were held; and, with all these, murders enough were committed to spread terror among those whose

political action was to be suppressed, if possible, by these intolerant and criminal proceedings. In some places colored laborers were compelled to vote according to the wishes of their employers, under threats of discharge if they acted otherwise; and there are too many instances in which, when these threats were disregarded, they were remorselessly executed by those who made them. I understand that the fifteenth amendment to the Constitution was made to prevent this and a like state of things, and the act of May 31, 1870, with amendments, was passed to enforce its provisions, the object of both being to guarantee to all citizens the right to vote and to protect them in the free enjoyment of that right. Enjoined by the Constitution "to take care that the laws be faithfully executed," and convinced by undoubted evidence that violations of said act had been committed, and that a wide-spread and flagrant disregard of it was contemplated, the proper officers were instructed to prosecute the offenders, and troops were stationed at convenient points to aid these officers, if necessary, in the performance of their official duties. Complaints are made of this interference by Federal authority; but if said amendment and act do not provide for such interference under the circumstances as above stated, then they are without meaning, force, or effect, and the whole scheme of colored enfranchisement is worse than mockery, and little better than a crime. Possibly Congress may find it due to truth and justice to ascertain, by means of a committee, whether the alleged wrongs to colored citizens for political purposes are real, or the reports thereof were manufactured for the occasion.

The whole number of troops in the States of Louisiana, Alabama, Georgia, Florida, South Carolina, North Carolina, Kentucky, Tennessee, Arkansas, Mississippi, Maryland, and Virginia, at the time of the election, was four thousand and eighty-two. This embraces the garrisons of all the forts from the Delaware to the Gulf of Mexico.

Another trouble has arisen in Arkansas. Article 13th of the constitution of that State (which was adopted in 1868, and upon the approval of which by Congress the State was restored to representation as one of the States of the Union) provides in effect that, before any amendments proposed to this constitution shall become a part thereof, they shall be passed by two successive assemblies, and then submitted to and ratified by a majority of the electors of the State voting thereon. On the 11th of May, 1874, the governor convened an extra session of the general assembly of the State, which, on the 18th of the same month, passed an act providing for a convention to frame a new constitution. Pursuant to this act, and at an election held on the 30th of June, 1874, the convention was approved, and delegates were chosen thereto, who assembled on the 14th of last July and framed a new constitution, the schedule of which provided for the election of an entire new set of State officers in a manner contrary to the then existing election laws of the State. On the 13th of October, 1874, this constitution, as therein provided, was sub-

mitted to the people for their approval or rejection, and according to the election-returns was approved by a large majority of those qualified to vote thereon, and at the same election persons were chosen to fill all the State, county, and township offices. The governor elected in 1872 for the term of four years turned over his office to the governor chosen under the new constitution; whereupon the lieutenant-governor, also elected in 1872 for a term of four years, claiming to act as governor, and alleging that said proceedings by which the new constitution was made and a new set of officers elected were unconstitutional, illegal, and void, called upon me, as provided in section 4, article 4, of the Constitution, to protect the State against domestic violence. As Congress is now investigating the political affairs of Arkansas, I have declined to interfere.

The whole subject of Executive interference with the affairs of a State is repugnant to public opinion, to the feeling of those who, from their official capacity, must be used in such interposition, and to him or those who must direct. Unless most clearly on the side of law, such interference becomes a crime; with the law to support it, it is condemned without a hearing. I desire, therefore, that all necessity for Executive direction in local affairs may become unnecessary and obsolete. I invite the attention, not of Congress, but of the people of the United States, to the causes and effects of these unhappy questions. Is there not a disposition on one side to magnify wrongs and outrages, and on the other side to belittle them or justify them? If public opinion could be directed to a correct survey of what is, and to rebuking wrong, and aiding the proper authorities in punishing it, a better state of feeling would be inculcated, and the sooner we would have that peace which would leave the States free indeed to regulate their own domestic affairs. I believe on the part of our citizens of the Southern States—the better part of them—there is a disposition to be law-abiding, and to do no violence either to individuals or to the laws existing. But do they do right in ignoring the existence of violence and bloodshed in resistance to constituted authority? I sympathize with their prostrate condition, and would do all in my power to relieve them; acknowledging that in some instances they have had most trying governments to live under, and very oppressive ones in the way of taxation for nominal improvements, not giving benefits equal to the hardships imposed; but, can they proclaim themselves entirely irresponsible for this condition? They cannot. Violence has been rampant in some localities, and has either been justified or denied by those who could have prevented it. The theory is even raised that there is to be no further interference on the part of the General Government to protect citizens within a State where the State authorities fail to give protection. This is a great mistake. While I remain Executive all the laws of Congress, and the provisions of the Constitution, including the recent amendments added thereto, will be enforced with rigor, but with regret that they should have added one

jot or tittle to Executive duties or powers. Let there be fairness in the discussion of Southern questions, the advocates of both, or all political parties, giving honest, truthful reports of occurrences, condemning the wrong and upholding the right, and soon all will be well. Under existing conditions the negro votes the republican ticket because he knows his friends are of that party. Many a good citizen votes the opposite, not because he agrees with the great principles of state which separate parties, but because, generally, he is opposed to negro rule. This is a most delusive cry. Treat the negro as a citizen and a voter—as he is and must remain—and soon parties will be divided, not on the color line, but on principle. Then we shall have no complaint of sectional interference.

The report of the Attorney-General contains valuable recommendations relating to the administration of justice in the courts of the United States, to which I invite your attention.

I respectfully suggest to Congress the propriety of increasing the number of judicial districts in the United States to eleven, the present number being nine, and the creation of two additional judgeships. The territory to be traversed by the circuit judges is so great, and the business of the courts so steadily increasing, that it is growing more and more impossible for them to keep up with the business requiring their attention. Whether this would involve the necessity of adding two more Justices of the Supreme Court to the present number I submit to the judgment of Congress.

The attention of Congress is invited to the report of the Secretary of the Interior, and to the legislation asked for by him. The domestic interests of the people are more intimately connected with this Department than with either of the other Departments of Government. Its duties have been added to from time to time until they have become so onerous that without the most perfect system and order it will be impossible for any Secretary of the Interior to keep trace of all official transactions having his sanction and done in his name, and for which he is held personally responsible.

The policy adopted for the management of Indian affairs, known as the peace policy, has been adhered to with most beneficial results. It is confidently hoped that a few years more will relieve our frontiers from danger of Indian depredations.

I commend the recommendation of the Secretary for the extension of the homestead laws to the Indians, and for some sort of territorial government for the Indian Territory. A great majority of the Indians occupying this Territory are believed yet to be incapable of maintaining their rights against the more civilized and enlightened white man. Any territorial form of government given them, therefore, should protect them in their homes and property for a period of at least twenty years, and before its final adoption should be ratified by a majority of those affected.

The report of the Secretary of the Interior, herewith attached, gives much interesting statistical information, which I abstain from giving an abstract of, but refer you to the report itself.

The act of Congress providing the oath which pensioners must subscribe to before drawing their pensions cuts off from this bounty a few survivors of the war of 1812 residing in the Southern States. I recommend the restoration of this bounty to all such. The number of persons whose names would thus be restored to the list of pensioners is not large. They are all old persons who could have taken no part in the rebellion, and the services for which they were awarded pensions were in defense of the whole country.

The report of the Commissioner of Agriculture, herewith, contains suggestions of much interest to the general public, and refers to the approaching Centennial and the part his Department is ready to take in it. I feel that the nation at large is interested in having this Exposition a success, and commend to Congress such action as will secure a greater general interest in it. Already many foreign nations have signified their intention to be represented at it, and it may be expected that every civilized nation will be represented.

The rules adopted to improve the civil service of the Government have been adhered to as closely as has been practicable with the opposition with which they meet. The effect, I believe, has been beneficial on the whole, and has tended to the elevation of the service. But it is impracticable to maintain them without direct and positive support of Congress. Generally the support which this reform receives is from those who give it their support only to find fault when the rules are apparently departed from. Removals from office without preferring charges against parties removed are frequently cited as departures from the rules adopted, and the retention of those against whom charges are made by irresponsible persons and without good grounds, is also often condemned as a violation of them. Under these circumstances, therefore, I announce that if Congress adjourns without positive legislation on the subject of "civil-service reform," I will regard such action as a disapproval of the system, and will abandon it, except so far as to require examinations for certain appointees, to determine their fitness. Competitive examinations will be abandoned.

The gentlemen who have given their services without compensation, as members of the board to devise rules and regulations for the government of the civil service of the country, have shown much zeal and earnestness in their work, and to them, as well as to myself, it will be a source of mortification if it is to be thrown away. But I repeat that it is impossible to carry this system to a successful issue without general approval and assistance, and positive law to support it.

I have stated that three elements of prosperity to the nation, capital, labor, skilled and unskilled, and products of the soil, still remain with

us. To direct the employment of these is a problem deserving the most serious attention of Congress. If employment can be given to all the labor offering itself, prosperity necessarily follows. I have expressed the opinion, and repeat it, that the first requisite to the accomplishment of this end is the substitution of a sound currency in place of one of a fluctuating value. This secured, there are many interests that might be fostered, to the great profit of both labor and capital. How to induce capital to employ labor is the question. The subject of cheap transportation has occupied the attention of Congress. Much new light on this question will without doubt be given by the committee appointed by the last Congress to investigate and report upon this subject.

A revival of ship-building, and particularly of iron-steamship-building, is of vast importance to our national prosperity. The United States is now paying over \$100,000,000 per annum for freights and passage on foreign ships—to be carried abroad and expended in the employment and support of other peoples—beyond a fair percentage of what should go to foreign vessels, estimating on the tonnage and travel of each respectively. It is to be regretted that this disparity in the carrying-trade exists, and to correct it I would be willing to see a great departure from the usual course of Government in supporting what might usually be termed private enterprise. I would not suggest as a remedy direct subsidy to American steamship-lines, but I would suggest the direct offer of ample compensation for carrying the mails between Atlantic seaboard cities and the Continent on American-owned and American-built steamers and would extend this liberality to vessels carrying the mails to South American states and to Central America and Mexico, and would pursue the same policy from our Pacific sea-ports to foreign sea-ports on the Pacific. It might be demanded that vessels built for this service should come up to a standard fixed by legislation, in tonnage, speed, and all other qualities, looking to the possibility of Government requiring them at some time for war purposes. The right also of taking possession of them in such emergency should be guarded.

I offer these suggestions, believing them worthy of consideration, in all seriousness, affecting all sections and all interests alike. If anything better can be done to direct the country into a course of general prosperity, no one will be more ready than I to second the plan.

Forwarded herewith will be found the report of the commissioners appointed under an act of Congress approved June 20, 1874, to wind up the affairs of the District government. It will be seen from the report that the net debt of the District of Columbia, less securities on hand and available, is:

Bonded debt issued prior to July 1, 1874.....	\$8,883,940 43
3.65 bonds, act of Congress June 20, 1874.....	2,088,168 73
Certificates of the board of audit.....	4,770,558 45
	15,742,667 61

Less special-improvement assessments (chargeable to private property) in excess of any demand against such assessments.....	\$1, 614, 054 37	
Less Chesapeake and Ohio Canal bonds.....	75, 000 00	
And Washington and Alexandria Railroad bonds.....	59, 000 00	
In the hands of the commissioners of the sinking-fund		\$1, 748, 054 37
Leaving actual debt less said assets		13, 994, 613 24

In addition to this there are claims preferred against the government of the District, amounting, in the estimated aggregate reported by the board of audit, to \$3,147,787.48, of which the greater part will probably be rejected. This sum can with no more propriety be included in the debt account of the District government than can the thousands of claims against the General Government be included as a portion of the national debt. But the aggregate sum thus stated includes something more than the funded debt chargeable exclusively to the District of Columbia. The act of Congress of June 20, 1874, contemplates an apportionment between the United States Government and the District of Columbia, in respect of the payment of the principal and interest of the 3.65 bonds. Therefore, in computing with precision the bonded debt of the District, the aggregate sums above stated as respects 3.65 bonds now issued, the outstanding certificates of the board of audit, and the unadjusted claims pending before that board should be reduced to the extent of the amount to be apportioned to the United States Government in the manner indicated in the act of Congress of June 20, 1874.

I especially invite your attention to the recommendations of the commissioners of the sinking fund relative to the ambiguity of the act of June 20, 1874; the interest on the District bonds, and the consolidation of the indebtedness of the District.

I feel much indebted to the gentlemen who consented to leave their private affairs and come from a distance to attend to the business of this District, and for the able and satisfactory manner in which it has been conducted. I am sure their services will be equally appreciated by the entire country.

It will be seen from the accompanying full report of the Board of Health that the sanitary condition of the District is very satisfactory.

In my opinion the District of Columbia should be regarded as the grounds of the National Capital, in which the entire people are interested. I do not allude to this to urge generous appropriations to the District, but to draw the attention of Congress, in framing a law for the government of the District, to the magnificent scale on which the city was planned by the founders of the Government; the manner in which, for ornamental purposes, the reservations, streets, and avenues were laid out; and the proportion of the property actually possessed by the General Government. I think the proportion of the expenses of the government and improvements to be borne by the General Government,

the cities of Washington and Georgetown and the county, should be carefully and equitably defined.

In accordance with section 3, act approved June 23, 1874, I appointed a board to make a survey of the mouth of the Mississippi River with a view to determine the best method of obtaining and maintaining a depth of water sufficient for the purposes of commerce, &c.; and in accordance with an act entitled "An act to provide for the appointment of a commission of engineers to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation," I appointed a commission of engineers. Neither board has yet completed its labors. When their reports are received they will be forwarded to Congress without delay.

U. S. GRANT.

EXECUTIVE MANSION,
December 7, 1874.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

Whereas, pursuant to the second section of the act of Congress approved the 23d of March last, entitled "An act to authorize the President to accept for citizens of the United States the jurisdiction of certain tribunals in the Ottoman dominions and Egypt, established or to be established under the authority of the Sublime Porte and of the government of Egypt," the President is authorized, for the benefit of American citizens residing in the Turkish dominions, to accept the recent law of the Ottoman Porte ceding the right of foreigners possessing immovable property in said dominions;

And whereas, pursuant to the authority thus in me vested, I have authorized George H. Boker, accredited as minister resident of the United States to the Ottoman Porte, to sign, on behalf of this Government, the protocol accepting the law aforesaid of the said Ottoman Porte, which protocol and law are, word for word, as follows:

[Translation.]

The United States of America and His Majesty the Sultan being desirous to establish by a special act the agreement entered upon between them regarding the admission of American citizens to the right of holding real estate granted to foreigners by the law promulgated on the 7th of Sepher, 1284, (January 18th, 1867,) have authorized:

The President of the United States of America, George H. Boker, minister-resident of the United States of America near the Sublime Porte, and

His Imperial Majesty the Sultan, His Excellency A. Aarifi Pasha, his minister of foreign affairs, to sign the Protocol which follows:

Protocol.

The law granting foreigners the right of holding real estate does not interfere with the immunities specified by the treaties, and which will continue to protect the person and the movable property of foreigners who may become owners of real estate.

As the exercise of this right of possessing real property may induce foreigners to establish themselves in larger numbers in the Ottoman Empire, the imperial government thinks it proper to anticipate and to prevent the difficulties to which the application of this law may give rise in certain localities. Such is the object of the arrangements which follow.

The domicile of any person residing upon the Ottoman soil being inviolable, and as no one can enter it without the consent of the owner, except by virtue of orders emanating from competent authority, and with the assistance of the magistrate or functionary invested with the necessary powers, the residence of foreigners is inviolable on the same principle, in conformity with the treaties, and the agents of the public force cannot enter it without the assistance of the consul or of the delegate of the consul of the power on which the foreigner depends.

By residence we understand the house of inhabitation and its dependencies: that is to say, the out-houses, courts, gardens, and neighboring inclosures, to the exclusion of all other parts of the property.

In the localities distant by less than nine hours' journey from the consular residence, the agents of the public force cannot enter the residence of a foreigner without the assistance of a consul, as was before said.

On his part the consul is bound to give his immediate assistance to the local authority, so as not to let six hours elapse between the moment which he may be informed and the moment of his departure, or the departure of his delegate, so that the action of the authorities may never be suspended more than twenty-four hours.

In the localities distant by nine hours or more than nine hours of travel from the residence of the consular agent, the agents of the public force may, on the request of the local authority, and with the assistance of three members of the council of the elders of the commune, enter into the residence of a foreigner, without being assisted by the consular agent, but only in case of urgency, and for the search and the proof of the crime of murder, of attempt at murder, of incendiarism, of armed robbery either with infraction or by night in an inhabited house, of armed rebellion, and of the fabrication of counterfeit money; and this entry may be made whether the crime was committed by a foreigner or by an Ottoman subject, and whether it took place in the residence of a foreigner or not in his residence, or any other place.

These regulations are not applicable but to the parts of the real estate which constitute the residence, as it has been heretofore defined.

Beyond the residence, the action of the police shall be exercised freely and without reserve; but in case a person charged with crime or offense should be arrested, and the accused shall be a foreigner, the immunities attached to his person shall be observed in respect to him.

The functionary or the officer charged with the accomplishment of a domiciliary visit, in the exceptional circumstances determined before, and the members of the council of elders who shall assist him, will be obliged to make out a *procès-verbal* of the domiciliary visit, and to communicate it immediately to the superior authority under whose jurisdiction they are, and the latter shall transmit it to the nearest consular agent, without delay.

A special regulation will be promulgated by the Sublime Porte, to determine the mode of action of the local police in the several cases provided heretofore.

In localities more distant than nine hours' travel from the residence of the consular agent, in which the law of the judicial organization of the *valayet* may be in force, foreigners shall be tried without the assistance of the consular delegate by the council of elders fulfilling the function of justices of the peace, and by the tribunal of the canton, as well for actions not exceeding one thousand piasters as for offenses entailing a fine of five hundred piasters only at the maximum.

Foreigners shall have, in any case, the right of appeal to the tribunal of the arrondissement against the judgments issued as above stated, and the appeal shall be followed and judged with the assistance of the consul, in conformity with the treaties.

The appeal shall always suspend the execution of a sentence.

In all cases the forcible execution of the judgments, issued on the conditions determined heretofore, shall not take place without the co-operation of the consul or of his delegate.

The imperial government will enact a law which shall determine the rules of procedure to be observed by the parties, in the application of the preceding regulations.

Foreigners, in whatever locality they may be, may freely submit themselves to the jurisdiction of the council of elders or of the tribunal of the canton, without the assistance of the consul, in cases which do not exceed the competency of these councils or tribunals, reserving always the right of appeal before the tribunal of the arrondissement, where the case may be brought and tried with the assistance of the consul or his delegate.

The consent of a foreigner to be tried as above stated, without the assistance of his consul, shall always be given in writing, and in advance of all procedure.

It is well understood that all these restrictions do not concern cases which have for their object questions of real estate, which shall be tried and determined under the conditions established by the law.

The right of defense and the publicity of the hearings shall be assured in all cases to the foreigners who may appear before the Ottoman tribunals, as well as to Ottoman subjects.

The preceding dispositions shall remain in force until the revision of the ancient treaties, a revision which the Sublime Porte reserves to itself the right to bring about hereafter by an understanding between it and the friendly powers.

In witness whereof the respective plenipotentiaries have signed the protocol, and have affixed thereto their seals.

Done at Constantinople the eleventh of August, one thousand eight hundred and seventy-four.

(Signed)

A. AARIFI. [L. S.]

(Signed)

GEO. H. BOKER. [L. S.]

[Translation.]

Law conceding to foreigners the right of holding real estate in the Ottoman Empire.

Imperial Rescript.—Let it be done in conformity with the contents. 7 Sepher, 1284, (January 18, 1867.)

With the object of developing the prosperity of the country, to put an end to the difficulties, to the abuses, and to the uncertainties which have arisen on the subject of the right of foreigners to hold property in the Ottoman Empire, and to complete, in accordance with a precise regulation, the safeguards which are due to financial interests and to administrative action, the following legislative enactments have been promulgated by the order of his imperial majesty, the Sultan:

ARTICLE I. Foreigners are admitted, by the same privilege as Ottoman subjects, and without any other restriction, to enjoy the right of holding real estate, whether in the city or the country, throughout the empire, with the exception of the province of the Hédjaz, by submitting themselves to the laws and the regulations which govern Ottoman subjects, as is hereafter stated.

This arrangement does not concern subjects of Ottoman birth who have changed their nationality, who shall be governed in this matter by a special law.

ART. II. Foreigners, proprietors of real estate in town or in country, are in consequence placed upon terms of equality with Ottoman subjects in all things that concern their landed property.

The legal effect of this equality is—

1st. To oblige them to conform to all the laws and regulations of the police or of the municipality which govern at present or may govern hereafter the enjoyment, the transmission, the alienation, and the hypothecation of landed property.

2d. To pay all charges and taxes, under whatever form or denomination they may be, that are levied, or may be levied hereafter, upon city or country property.

3d. To render them directly amenable to the Ottoman civil tribunals in all questions relating to landed property, and in all real actions, whether as plaintiffs or as defendants, even when either party is a foreigner. In short, they are in all things to hold real estate by the same title, on the same condition, and under the same forms as Ottoman owners, and without being able to avail themselves of their personal nationality, except under the reserve of the immunities attached to their persons and their movable goods, according to the treaties.

ART. III. In case of the bankruptcy of a foreigner possessing real estate, the assignees of the bankrupt may apply to the authorities and to the Ottoman civil tribunals requiring the sale of the real estate possessed by the bankrupt, and which by its nature and according to law is responsible for the debts of the owner.

The same course shall be followed when a foreigner shall have obtained against another foreigner owning real estate a judgment of condemnation before a foreign tribunal.

For the execution of this judgment against the real estate of his debtor, he shall apply to the competent Ottoman authorities, in order to obtain the sale of that real estate which is responsible for the debts of the owner; and this judgment shall be executed by the Ottoman authorities and tribunals only after they have decided that the real estate of which the sale is required really belongs to the category of that property which may be sold for the payment of debt.

ART. IV. Foreigners have the privilege to dispose, by donation or by testament, of that real estate of which such disposition is permitted by law.

As to that real estate of which they may not have disposed, or of which the law does not permit them to dispose by gift or testament, its succession shall be governed in accordance with Ottoman law.

ART. V. All foreigners shall enjoy the privileges of the present law, as soon as the powers on which they depend shall agree to the arrangements proposed by the Sublime Porte for the exercise of the right to hold real estate.

Now, therefore, be it known that I, ULYSSES S. GRANT, President of the United States of America, have caused the said protocol and law to be made public for the information and guidance of citizens of the United States.

In witness whereof I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington this twenty-ninth day of October, in the year of our Lord one thousand eight hundred and seventy-four, and of the Independence of the United States of America the
[SEAL.] ninety-ninth.

U. S. GRANT.

By the President:

HAMILTON FISH,

Secretary of State.

Mr. Campbell to Mr. Fish.

UNITED STATES NORTHERN BOUNDARY COMMISSION,

Washington, December 2, 1874.

SIR: I have the honor to transmit herewith, for the information of the Department, a preliminary report and sketch from Major W. J.

Twining, United States Engineers, chief astronomer of the commission, showing the progress of the survey of the boundary during the past season.

From this report it will be seen that the survey of the boundary-line defined in the treaty of 1818 has been completed, and connected (on the summit of the Rocky Mountains) with the eastern terminus of the boundary-line from the Pacific Ocean defined in the treaty of 1846. The whole boundary-line between the United States and British Possessions has now been established, with the exception of the boundary between British Columbia and Alaska.

The United States commission and the British commission are now engaged in working out the results of their field operations for the purpose of preparing the final joint maps necessary to a proper representation of the boundary-line and the territories adjacent thereto.

I have the honor to be, very respectfully, your obedient servant,
ARCHIBALD CAMPBELL,
Commissioner Northern Boundary Survey.

Hon. HAMILTON FISH,
Secretary of State.

Major Twining to Mr. Campbell.

UNITED STATES NORTHERN BOUNDARY COMMISSION,
Washington, D. C., December 1, 1874.

SIR: In answer to your request I respectfully submit a brief statement of the work performed by the commission during the past summer.

During the summer of 1873 the boundary was surveyed and marked from the "Red River of the North" west to longitude $106^{\circ} 12'$. For a distance of ninety miles the marks were of a temporary nature, and are to be replaced by permanent monuments. This arrangement resulted from a difference of opinion which existed at that time in regard to the true definition of the 49th parallel of latitude.

During the winter of 1873-'74 the surveys east of the Red River were completed to the Lake of the Woods, including the shore-line of that lake as far east as the Rainy River.

During the present season the work has been executed in the same manner as heretofore, under the agreement made last year between the chief astronomers of the United States and British commissions. This agreement was to the effect that the officers of the United States were to determine astronomical stations at intervals of forty miles, and to survey a belt of territory five miles wide south of the parallel; the English to determine a similar series of astronomical stations, and to survey an equal belt of topography north of the line.

The distance remaining to be surveyed during the present year was three hundred and fifty-eight miles, from longitude $106^{\circ} 12'$ to longitude $114^{\circ} 05'$. I organized the parties in St. Paul, Minn., on the 1st of June, and proceeded, by way of the Northern Pacific Railroad and the Missouri River, to Fort Buford. Thence, traveling by land, the advanced working-parties reached the line, at the initial point of this year's operations, on the 1st of July.

The shortness of the season, and the immense distance to be traveled after the work should be completed, required that it should be finished early in September. With

this object in view, the working-parties were pushed to the utmost limit of their endurance, and, by the 1st of September, the eight astronomical stations assigned to the United States commission had been determined (by one party) and the line had been connected with the last station of the northwestern boundary, at the summit of the Rocky Mountains. Full details of the survey have been given in the preliminary reports from this office. Without recapitulation, I will only say that the results have been in every respect satisfactory.

The commission returned to Saint Paul by way of the Missouri River and the Northern Pacific Railroad, making the distance from Fort Benton to Bismarck, (1,200 miles,) in open boats, in eighteen days. The men were discharged on the 5th of October.

Thus in four months this expedition accomplished a journey of thirty-seven hundred miles, nine hundred of which was by land, and twelve hundred by water in open boats, besides surveying and marking three hundred and fifty-eight miles of the boundary-line.

The topographical parties have been continuously in the field, both winter and summer, from the 1st of June, 1873, until the present time, with the exception of two months in the spring of 1874. They have demonstrated by experience that instrumental work can be done in that high latitude, even in the most rigorous part of the winter, where the country is wooded. On the open plains such exposure would be, beyond question, exceedingly dangerous.

The limits of this report will allow only a very brief statement of the general character of the country passed over.

That portion crossed by the part of the line surveyed during the present year was found to be an open plain entirely destitute of timber, but easily practicable for wagon-trains, except in the vicinity of Frenchman's Creek and the crossing of Milk River, where wide detours had to be made to avoid the *Bad Lands*.

From longitude 106° to the crossing of Milk River the country cannot be called attractive. The rain-fall is small, and water consequently scarce during the summer months. The soil is alkaline, and produces mostly sage-brush and cactus.

From the Sweet Grass Hills to the Rocky Mountains its character is entirely changed. The rain-fall appears to be ample. The belt along the foot of the mountains, in addition to scenery of rare beauty, presents to the eye of the practical man the more solid advantage of an unsurpassed fertility. Northwestern Montana is still the range of immense herds of buffaloes, whose numbers, contrary to the commonly received opinion, are constantly increasing. This region is the country of the Blackfoot and Piegan tribes of Indians. It is also the debatable ground of the North Assiniboines, the Gros Ventres of the Prairie, and the River Crows, while an occasional war-party of Sioux may be found as far northwest as the Sweet Grass Hills. With the exception of the Sioux, these tribes appear to be peaceably enough disposed.

Very respectfully, your obedient servant,

W. J. TWINING,
Capt. Engineers, Chief Astronomer.

ARCHIBALD CAMPBELL, ESQ.,
Commissioner Northern Boundary.

FOREIGN RELATIONS.

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREIGN AGENCIES

1. Bureau of Plant Industry, Washington, D. C.

2. Bureau of Entomology and Plant Quarantine, Washington, D. C.

3. Bureau of Animal Industry, Washington, D. C.

4. Bureau of Fish and Wildlife Service, Washington, D. C.

5. Bureau of Reclamation, Washington, D. C.

6. Bureau of Indian Affairs, Washington, D. C.

7. Bureau of Land Management, Washington, D. C.

8. Bureau of Mines, Washington, D. C.

9. Bureau of Education, Washington, D. C.

10. Bureau of Census, Washington, D. C.

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599	do (Telegram.)	Nov. 12	Preliminary report; Virginius attempted a landing; pursuit began in Spanish waters; papers irregular.	932
600	do	Nov. 13	Detailed account of interview with Carvajal on same subject; comments of General Sickles on the report.	932
601	do	Nov. 13	Minister of state informs him of execution of forty-nine prisoners; orders from Madrid arrived too late to prevent it; slaughter had ceased; discussion between General Sickles and the minister; orders will be given to assure to United States citizens protection of ordinary tribunals; General Sickles urges speedy solution; calls attention to executions in pursuance of previous convictions made in absence of accused.	933
602	do (Telegram.)	Nov. 13	Account of the same interview	935
603	Mr. Fish to General Sickles.	Nov. 14	Transmitting copies of telegrams	936
604	do (Telegram.)	Nov. 14	Vice-consul at Santiago not allowed to telegraph to Kingston.	936
605	do (Telegram.)	Nov. 14	Instructing him to demand restoration of Virginius, surrender of survivors, salute to the flag, and punishment of guilty officials. In case of refusal within twelve days to close legation and leave Madrid.	936
606	General Sickles to Mr. Fish.	Nov. 14	With copy of note to minister of state protesting against summary executions.	937
607	do (Telegram.)	Nov. 14	Protest made; telegrams received	937
608	do (Telegram.)	Nov. 14	Receipt of telegrams	937
609	do (Telegram.)	Nov. 15	Demand made by note	938
610	do (Telegram.)	Nov. 15	An ill-tempered reply, rejecting protest; Spain would decide questions according to law and her dignity.	938
611	Mr. Fish to General Sickles. (Telegram.)	Nov. 15	Hall reports fifty-seven more executions, (see No. 730 <i>post</i> ;) if Spain cannot redress these outrages, United States will; these instructions to be used cautiously and discreetly.	938
612	General Sickles to Mr. Fish. (Telegram.)	Nov. 15	Duplicate of protest; receipt of telegrams	938
613	do	Nov. 16	With copy of note to Mr. Carvajal demanding reparation.	939
614	do	Nov. 16	With copy of Mr. Carvajal's reply, and of General Sickles's rejoinder; the hostile and abusive attitude of the Madrid press.	939
615	do	Nov. 16	Transmitting copy of note to minister of state respecting refusal of permission to consul at Santiago to telegraph.	944
616	do	Nov. 16	Transmitting copy of note to minister of state respecting further executions reported from Havana. (See No. 614, <i>supra</i> .)	945
617	do (Telegram.)	Nov. 16	Same subject; reports from Havana denied by Castelar.	945
618	do (Telegram.)	Nov. 16	British minister is instructed respecting execution of seventeen British subjects.	946
619	Mr. Fish to General Sickles. (Telegram.)	Nov. 17	Instructing him to cable the text of his correspondence with the Spanish government.	946
620	General Sickles to Mr. Fish.	Nov. 17	Transmitting copy of note from Carvajal, stating that authorities at Santiago have been instructed to allow consul to communicate with American prisoners.	946
621	do	Nov. 18	Transmitting copy of reply of minister of state to demand for reparation.	947
622	do	Nov. 18	Transmitting copy of reply of minister of state to note of November 16, respecting reports from Havana. (See No. 616, <i>supra</i> .)	949

STEAMER VIRGINIUS—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1873.		
623	General Sickles to Mr. Fish. (Telegram.)	Nov. 18	Same subject as No. 624	950
624	do..... (Telegram.)	Nov. 18	Same subject as No. 623	951
625	do..... (Telegram.)	Nov. 18	Reply of minister of state to note of November 15, (see No. 616, <i>supra</i> ;) General Sickles regards it as a refusal, and proposes to close the legation unless otherwise ordered.	951
626	do..... (Telegram.)	Nov. 18	Same subject; he regards the note as an invita- tion to a discussion.	951
627	do..... (Telegram.)	Nov. 18	Asking that a vessel may be ordered to Valencia to take him to France.	952
628	do.....	Nov. 19	Transmitting copy of Carvajal's reply rejecting protest.	952
629	do.....	Nov. 19	Transmitting copy of private letter from General Sickles to Mr. Carvajal, dated November 6.	953
630	do..... (Telegram.)	Nov. 19	Is waiting instructions	953
631	do..... (Telegram.)	Nov. 19	Popular feeling in Madrid violent and abusive....	954
632	do..... (Telegram.)	Nov. 19	Good offices of England asked and refused, unless on the basis of ample reparation.	954
633	do..... (Telegram.)	Nov. 19	Madrid papers announce the postponement of the question till Congress meets.	954
634	do..... (Telegram.)	Nov. 19	Correspondence sent to London	954
635	Mr. Fish to General Sickles. (Telegram.)	Nov. 19	Telegrams received; instructions will be sent im- mediately.	955
636	do..... (Telegram.)	Nov. 19	Reports of further executions contradicted from Havana, (see No. 733, <i>post</i> ;) Spanish minister in Washington has shown a telegram from his gov- ernment, asking time for inquiry and expressing intention to make reparation; this regarded as a reconsideration of decision communicated to General Sickles; he will, therefore, defer his departure.	955
637	do..... (Telegram.)	Nov. 20	Postponement till 26th agreed to	955
638	General Sickles to Mr. Fish. (Telegram.)	Nov. 20	Unsatisfactory tone of the notes from the minister of state.	956
639	do..... (Telegram.)	Nov. 20	Same subject; differences between representations at Madrid and those in Washington; advises his withdrawal from Madrid; advises that Ital- ian government be requested to authorize its minister to accept custody of library and property.	956
640	Mr. Fish to General Sickles (Telegram.)	Nov. 21	President decides that he must remain at his post; this Government must take into consideration the representations made at Washington; a vessel cannot be sent to Valencia.	957
641	General Sickles to Mr. Fish. (Telegram.)	Nov. 21	Efforts in Spain to conciliate England	957
642	do..... (Telegram.)	Nov. 21	Receipt of instructions acknowledged	957
643	do..... (Telegram.)	Nov. 23	Same	958
644	Mr. Fish to General Sickles. (Telegram.)	Nov. 23	Have requested Italian government as suggested, (No. 639, <i>supra</i> ;) arbitration has been proposed and declined.	958
645	General Sickles to Mr. Fish. (Telegram.)	Nov. 24	Asking instructions	958
646	Mr. Fish to General Sickles. (Telegram.)	Nov. 25	If no accommodation reached by the close of to- morrow, he is to leave; if a proposition is sub- mitted, he will refer it to Washington and defer action.	958
647	General Sickles to Mr. Fish. (Telegram.)	Nov. 25	Lord Granville regards the reparation demanded as just and moderate.	959
648	do.....	Nov. 26	Forwarding copy of note to minister of state, ask- for his passports.	759
649	do..... (Telegram.)	Nov. 26	President Castelar says General Sickles will re- ceive a note to-day recognizing the principles on which the American demand is made, and asking a delay till December 25, for investiga- tion.	960
650	do..... (Telegram.)	Nov. 26	Receipt of instructions; has notified minister that he may defer reply to request for passports.	960
651	do..... (Telegram.)	Nov. 26	Transmits the substance of a note received from the minister of state, containing a proposal for an adjustment.	961
652	do..... (Telegram.)	Nov. 26	Comment upon the note of the minister of state...	961

STEAMER VIRGINIUS—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1873.		
653	General Sickles to Mr. Fish.	Nov. 27	Transmits translation of the note from the minister of state.	961
654	do	Nov. 27	Transmits copies of a private note from Mr. Carvajal to General Sickles, and his reply.	963
655	Mr. Fish to General Sickles. (Telegram.)	Nov. 27	Transmitting copy of Senate resolution of June 16, 1858, that detention of American vessels on the high seas by force in time of peace is in derogation of the sovereignty of the United States.	963
656	General Sickles to Mr. Fish. (Telegram.)	Nov. 28	Has reason to think Spanish government will yield our terms; hopes to announce result that afternoon.	964
657	do	Nov. 28	Instructions received. Proposes to renew request for passports.	964
658	do	Nov. 28	Transmitting correspondence with Italian minister at Madrid respecting charge of effects of legation.	964
659	do	Nov. 28	Announcing that it had been informally agreed at Madrid the previous day that reparation should be made in accordance with the American demand; that he is now informed that a different proposition has been authorized by Mr. Fish and accepted by the Spanish government; inquires whether it is true.	965
660	Mr. Fish to General Sickles.	Nov. 28	Supposing, from the tenor of General Sickles's dispatches, that he had left Madrid, the reply to the last Spanish proposal was communicated to Admiral Polo, who now says negotiations are going on at Madrid; having received notice that General Sickles would demand his passports at 3 to-day, (see 74, <i>supra</i> .) it is supposed that those negotiations have dropped.	966
661	General Sickles to Mr. Fish. (Telegram.)	Nov. 29	Communicates substance of a note from minister of state respecting settlement; comments adversely upon it, and advises insistence upon original terms.	966
662	do	Nov. 29	Same subjects as 659 and 661; incloses text of the correspondence.	967
663	Mr. Fish to General Sickles. (Telegram.)	Nov. 29	Spanish minister yesterday made a proposal embracing substance of demands of 15th, with slight variations, which has been accepted and protocol signed. (See 707, <i>post</i> .)	969
664	do	Nov. 29	Remain at post	969
665	General Sickles to Mr. Fish. (Telegram.)	Nov. 29	Acknowledging receipt of 664	969
666	do	Nov. 30	Capture of Virginus made by order of commander of fleet.	970
667	Mr. Fish to General Sickles. (Telegram.)	Dec. 1	Stating the substance of the arrangement made with Admiral Polo. (See No. 707, <i>post</i> .)	970
668	do	Dec. 2	The delay on the part of Spain in carrying out the agreements in the protocol excites apprehensions; is instructed to express to minister of state the President's disappointment, and that he looks for the immediate execution of the agreement.	970
669	Mr. Fish to the diplomatic officers and consuls-general of the United States, (circular.)	Dec. 3	Circular-instructions inclosing copy of the President's annual message, and of the protocol of November 29. (See No. 707, <i>post</i> .)	971
670	Mr. Fish to General Sickles.	Dec. 3	Inclosing copies of Consul-General Hall's dispatches. (See Nos. 734, 735, <i>post</i> .)	971
671	General Sickles to Mr. Fish (Telegram.)	Dec. 3	Powers sent to Admiral Polo to negotiate place and time for surrender of Virginus.	972
672	do	Dec. 3	Same subject	972
673	Mr. Fish to General Sickles. (Telegram.)	Dec. 4	Admiral Polo is instructed to consult authorities in Havana respecting time and place of surrender; represent the urgency of the case and necessity there should be no more delay.	972
674	General Sickles to Mr. Fish. (Telegram.)	Dec. 5	Admiral Polo will be instructed to lose no time in coming to an understanding.	972
675	do	Dec. 6	Semi-officially announced that his conduct is disapproved; he offers to tender his resignation.	973
676	Mr. Fish to General Sickles. (Telegram.)	Dec. 6	Alleged publication unauthorized; no dissatisfaction expressed; important that he should remain.	973
677	do	Dec. 8	Agreement fixing time and place for surrender signed.	973
678	General Sickles to Mr. Fish. (Telegram.)	Dec. 15	President Castelar informs him of surrender of Virginus and survivors.	973

STEAMER VIRGINIUS—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1873.		
679	General Sickles to Mr. Fish. (Telegram.)	Dec. 16	Requesting publication of telegram tendering resignation, and reply.	974
680	Mr. Fish to General Sickles. (Telegram.)	Dec. 17	Declining to publish telegrams respecting resignation, as it was hypothetical.	974
681	do..... (Telegram.)	Dec. 18	Official information of surrender of Virginus	974
682	General Sickles to Mr. Fish. (Telegram.)	Dec. 20	Tenders his resignation	974
683	do..... (Telegram.)	Dec. 20	Stated in Madrid, by authority, that Spain will require the restoration of the Virginus.	975
684	Mr. Fish to General Sickles. (Telegram.)	Dec. 20	Resignation accepted; Attorney-General decides that Virginus was not rightfully carrying flag at time of capture; salute will be dispensed with.	975
685	do..... (Telegram.)	Dec. 20	Official advices of surrender of survivors	975
686	General Sickles to Mr. Fish. (Telegram.)	Dec. 26	Asking for publication of correspondence respecting resignation.	975
687	Mr. Fish to Mr. Adee.....	Dec. 31	In reply to No. 662, <i>supra</i> ; regrets that it was not stated with whom the informal arrangement was made; cannot assume that Spain receded from her undertakings; the point of honor once conceded by Spain, we could then make the other concessions to her.	976
688	General Sickles to Mr. Fish.	1874. Jan. 31	Spanish government had revoked the authority given by General Rodas to subordinate commanders to shoot prisoners; the conduct of the authorities at Santiago finds no justification in the orders of the government.	977

II.—CORRESPONDENCE AND NEGOTIATIONS WITH THE SPANISH LEGATION AT WASHINGTON.

		1873.		
689	Mr. Fish to Admiral Polo...	Nov. 12	Has received intelligence of the shooting of fifty-three persons, taken from the Virginus; the story too shocking and cruel to be credible. Asks if he has more authentic intelligence.	977
690	Admiral Polo to Mr. Fish...	Nov. 12	Has received no information	978
691	Copies of telegrams to Admiral Polo. [Handed by Admiral Polo to Mr. Fish, November 15.]	Nov. 15	Papers of Virginus irregular; order from Madrid did not reach Santiago in time to stay executions, owing to destruction of telegraph-wires; the Virginus a pirate.	978
692	Copies of telegrams to Admiral Polo. [Handed by Admiral Polo to Mr. Fish, November 17.]	Nov. 17	Spain cannot adopt a final resolution until all the facts are known.	978
693	Admiral Polo to Mr. Fish..	Nov. 18	Inclosing copy of a telegraphic dispatch from the minister of state at Madrid, in which it is said that Spain cannot answer till the facts are known, and is resolved to preserve the integrity of its territory, but will observe the obligations of international law and the letters of all treaties.	979
694	Telegram from the Secretary of State, Madrid, to Admiral Polo. (Handed to Mr. Fish by Admiral Polo.)	Nov. 20	Proposing an arbitration, and the surrender of the vessel into the hands of the arbitrators; the authority of Spain is respected in Cuba; the evidence is conflicting; this is a reason for arbitration; Spain is acting in good faith.	980
695	Admiral Polo to Mr. Fish...	Nov. 20	Inclosing copy of telegram from minister of state, in which it is said that Spanish authority is respected in Cuba; peremptory orders issued.	980
696	Interview between Admiral Polo and Mr. Fish.	Nov. 21	Mr. Fish declines to submit to arbitration the question of an indignity to the flag; is willing to submit all questions which are properly subjects of reference; is surprised to find no expression from Spain of disapproval of the hasty executions, or of readiness to release the vessel and survivors; arbitration would be postponement; it is desirable to have the settlement complete before assembling of Congress. The United States strongly desires a friendly settlement.	981
697	Admiral Polo to Mr. Fish...	Nov. 23	Notifying him when and where the testimony of Greenwood and other witnesses will be taken.	982
698	do.....	Nov. 23	Inclosing telegram from Madrid that the reported hostile manifestations against General Sickles are not true.	982

STEAMER VIRGINIUS—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1873.		
699	Mr. Fish to Admiral Polo...	Nov. 24	Respecting the proposed examination of witnesses in New York.	983
700	Telegram from the secretary of state, Madrid, to Admiral Polo. (Handed by Admiral Polo to Mr. Fish.)	Nov. 24	Asking whether the United States will await the result of investigation by Spain; whether the President will submit question to Congress; and for a statement of points of offense in view of treaty stipulations and international law.	983
701	Memorandum of statement by Mr. Fish to Admiral Polo.	Nov. 24	Reasons why it is impracticable to wait; reasons why President must submit facts to Congress. General statement of the points of offense.	984
702	Telegram from secretary of state, Madrid, to Admiral Polo. (Handed by Admiral Polo to Mr. Fish.)	Nov. 25	The news contradictory as to right of Virginus to carry United States flag; it may appear that she is the subject of reclamations against United States; Spain suspends her reclamations, and asks United States to do the same, till facts are known; no satisfaction possible till right to demand it established.	984
703	Memorandum of interview between Mr. Fish and Admiral Polo.	Nov. 25	Admiral Polo reads No. 702; Mr. Fish replies that United States, in the interest of all maritime powers, (including Spain,) deny right of capture of documented vessels on high seas in time of peace; the right to inquire into validity of papers is in the power issuing them, which the United States are prepared to do; the United States will consider the subject of reclamations when the honor of the flag is atoned for; the identity of the Virginus unquestioned; any irregularity in papers, therefore, merely technical.	985
704	do.....	Nov. 27	Mr. Fish reads dispatch from General Sickles; (See No. 651 <i>supra</i> ;) says the United States cannot accept this proposal; this communication is made to Admiral Polo because it is supposed General Sickles has left Madrid; the proposition is virtually that Spain should hold the vessel while seeking proof to justify her capture. Admiral Polo asks whether, if the vessel be given up, inquiries would be instituted by the United States, with a view to punishment of any who might be found to have violated the laws of United States, reserving question of salute for further information; Mr. Fish consults the President and accepts proposal; if vessel and survivors are delivered forthwith, the salute will be dispensed with, if Spain, before December 25, satisfies the United States that the Virginus had no right to carry the flag; in that case proceedings will be commenced by United States against vessel and persons implicated; but Spain is also to proceed in accordance with the second proposition to General Sickles.	986
705	Telegram from secretary of state, Madrid, to Admiral Polo. (Handed to Mr. Fish by Admiral Polo.)	Nov. 28	Negotiations renewed in Madrid; any arrangements made will be carried out in Cuba.	987
706	do.....	Nov. 28	Expressing satisfaction at happy termination of negotiations.	987
707	Protocol of conference between Mr. Fish and Admiral Polo.	Nov. 29	Carrying out the agreement stated in No. 704.....	987
708	Admiral Polo to Mr. Fish...	Dec. 1	Has not yet received his instructions for naming time and place for surrender; expects them every moment; asks, therefore, for extension of time.	988
709	Mr. Fish to Admiral Polo...	Dec. 2	Delay appears unavoidable, and will doubtless cease in a few hours; the President will then rely upon immediate execution of agreement.	989
710	do.....	Dec. 4	Is informed by General Sickles that powers have been sent to Admiral Polo; is prepared to execute the agreement, and asks him to name an hour to-day when he will meet Mr. Fish for that purpose.	989
711	Admiral Polo to Mr. Fish...	Dec. 4	In reply to the last; his powers require him to act in conjunction with superior authorities of Cuba; has referred the subject to Madrid.	989
712	Agreement between Mr. Fish and Admiral Polo.	Dec. 8	As to time, place, and manner of surrender of vessel and survivors, and as to mode of rendering salute, if not dispensed with.	990

STEAMER VIRGINIUS—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
713	Admiral Polo to Mr. Fish...	1873. Dec. 10	Transmitting evidence in order to show that the Virginius, at the time of her capture, was not entitled to carry the flag of the United States: 1. Bill of sale of the Solicitor of the Treasury to John F. Patterson. 2. Oath of John F. Patterson that he is the true and only owner of the said vessel, and that there is no subject or citizen of any foreign prince or state, directly or indirectly, by way of trust, confidence, or otherwise, interested therein. 3. Bond on the issue of the certificate of registry. 4. Crew-list. 5. Clearance-bond. 6. Manifest of cargo. 7. Master's oath on clearance. 8. Manifest. 9. Deposition of Francis E. Shepperd. 10. Deposition of Francis Bowen. 11. Deposition of Francis Bowen. 12. Deposition of Charles Smith. 13. Deposition of Edward Greenwood. 14. Depositions of John McCaren and Matthew Murphey. 15. Deposition of Thomas Gallagher. 16. Deposition of Ambrose Rawling. 17. Deposition of John Furlong. 18. Deposition of Adolfo de Varona.	991
714	Mr. Fish to Admiral Polo...	Dec. 22	Acknowledging the receipt of 129; the inclosures make it appear to the satisfaction of the United States that Virginius was not entitled to carry flag at time of capture; salute will, therefore, be dispensed with, and, in accordance with terms of protocol, inquiries will be instituted and proceedings commenced against vessel and persons appearing to be guilty of illegal acts connected therewith.	1051
715	Admiral Polo to Mr. Fish...	1874. Jan. 3	Expresses on behalf of his government a disclaimer of an intent of indignity to the flag of the United States.	1052

III.—CONSULAR CORRESPONDENCE.

716	Mr. Hall to Mr. Fish..... (Telegram.)	1873. Nov. 5	Capture of the Virginius.....	1052
717	Mr. Fish to Mr. Hall..... (Telegram.)	Nov. 7	Instructing him to obtain full particulars.....	1053
718	Mr. Hall to Mr. Davis..... (Telegram.)	Nov. 5	Same subject.....	1053
719	do.....	Nov. 5	Same subject; inclosing correspondence with captain-general and extracts from Cuban press.	1053
720	do.....	Nov. 7	Giving particulars and inclosing extracts from press and from letters of the vice-consul at Santiago.	1057
721	Mr. Hall to Mr. Fish..... (Telegram.)	Nov. 8	Ryan and three Cubans shot; telegraph with Santiago interrupted.	1061
722	Mr. Hall to Mr. Davis.....	Nov. 8	Inclosing copy of letter to captain-general claiming for American citizens the privileges of the treaty of 1795.	1061
723	do.....	Nov. 12	Inclosing correspondence between the consul at Santiago de Cuba and the Spanish authorities.	1062
724	Mr. Hall to Mr. Fish..... (Telegram.)	Nov. 13	Consul at Santiago did everything that could be done to secure rights under treaty.	1066
725	Mr. Hall to Mr. Davis.....	Nov. 14	Recapitulating telegrams; inclosing copy of note from captain-general.	1066
726	do.....	Nov. 14	Transmitting correspondence between the consul at Santiago and the Spanish authorities.	1067
727	Mr. Hall to Mr. Fish..... (Telegram.)	Nov. 12	Papers publish accounts of fifty-seven more executions.	1070
728	Mr. Fish to Mr. Hall..... (Telegram.)	Nov. 12	Directing him to ask of authorities confirmation or denial of reported massacre, and to report at earliest possible moment.	1070
729	do..... (Telegram.)	Nov. 12	Directing him to demand of authorities the most ample rights for all American citizens on the Virginius.	1071
730	Mr. Hall to Mr. Fish..... (Telegram.)	Nov. 15	Fully confirming the massacre.....	1071
730½	Mr. Hall to Mr. Davis.....	Nov. 15	Correspondence between the Spanish commander in the eastern district and the British vice-consul at Santiago; crew-list of the Virginius.	1071
731	Mr. Nunes to Mr. Davis.....	Nov. 15	The Virginius cleared from Kingston for Port Limon, Costa Rica; steps taken by British authorities in Jamaica on receipt of news of her capture; the consul communicates with Captain Cushing; he incloses a number of telegrams and letters relating to the subject.	1073

CONSULAR CORRESPONDENCE—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1873.		
733	Mr. Hall to Mr. Fish..... (Telegram.)	Nov. 18	Total number of executions, fifty-three.....	1077
734	Mr. Hall to Mr. Davis.....	Nov. 22	Action of authorities at Santiago in placing a marine guard before the consulate.	1078
735	Mr. Hall to Mr. Fish.....	Nov. 22	Has demanded ample rights for American prisoners at Santiago; the captain-general denies his right to make such representations.	1079
736	Mr. Schmitt to Mr. Fish....	Nov. 23	Inclosing Captain Fry's letter to the consul, and sworn declaration.	1079
737	do.....	Dec. 4	Incloses list of captured crew who were executed.	1081
738	Mr. Hall to Mr. Davis.....	Dec. 5	Excitement in Havana.....	1083
739	Mr. Hall to Mr. Fish.....	Dec. 13	Removal of prisoners from Santiago without authority, and their return; number of the prisoners; crew-list.	1090
740	Mr. Young to Mr. Fish.....	Dec. 18	Transmitting a list of the persons captured on the Virginus, and a list of those surrendered to the Juniata.	1095
741	Mr. Hall to Mr. Davis.....	Dec. 24	Transmitting telegrams respecting dispensing with the salute.	1098

IV.—MISCELLANEOUS CORRESPONDENCE.

742	Commander Cushing to Mr. Robeson.	Nov. 16	Came to Santiago on urgent telegrams from vice-consul; trials before a drum-head court-martial; fifty-three men summarily shot; executions on the authority of the general in command; incloses correspondence with General Burriel.	1098
743	Mr. Fish to Mr. Bliss.....	Nov. 23	Requesting him to be present at the examination of witnesses in New York.	1100
744	do..... (Telegram.)	Nov. 24	Repeating instructions by order of the President..	1101
745	do.....	Nov. 24	Inclosing depositions of Shepperd, Anderson, and Miller, relating to the Virginus, taken in May, 1872.	1101
746	Mr. Bliss to Mr. Fish.....	Nov. 24	Will attend the examination.....	1107
747	Mr. Fish to Mr. Robeson....	Dec. 2	Returning Mr. Cushing's letter with thanks; hopes it will not be considered as committing the Government on many points advanced therein.	1107
748	do.....	Dec. 8	Inclosing copies of the agreement of this date with Admiral Polo, and requesting that instructions may be given for carrying it out.	1107
749	Mr. Fish to Mr. Williams...	Dec. 11	Inclosing the evidence submitted by Admiral Polo to establish that the Virginus had no right to carry the flag of the United States, and saying that the President desires his opinion on the force of this evidence.	1108
750	do.....	Dec. 12	Inclosing the evidence of Anselmo Villareal and Garrasio Parra bearing on the same question.	1109
751	Mr. Williams to Mr. Fish....	Dec. 17	Reviewing the evidence, and deciding that the Virginus at the time of her capture was without right and improperly carrying the American flag.	1113
752	Mr. Fish to Mr. Robeson....	Dec. 17	Transmits opinion of the Attorney-General, and requests that steps may be taken to notify the proper officers at Santiago that the salute will be dispensed with.	1115
753	Mr. Fish to Mr. Williams...	Dec. 22	Requests that steps may be taken to carry out the agreement made with Admiral Polo.	1116
753a	Mr. Williams to Mr. Fish...	Dec. 23	In reply to the last; the district attorney in New York has been instructed.	1117

SWEDEN AND NORWAY.

		1874.		
754	Mr. Stenersen to Mr. Fish...	Mar. 25	Renewing request that the line of steamers between Norway and the United States be exempted from the same dues as Belgian steamers.	1117
755	Mr. Fish to Mr. Stenersen...	Apr. 10	The question reverted to in Mr. Stenersen's note of March 25 will be again referred to the Secretary of the Treasury.	1118
756	Mr. Stenersen to Mr. Fish...	June 22	Double pilotage exacted at New York from the captain of the Swedish steam-corvette Balder.	1119
757	Mr. Fish to Mr. Stenersen...	Aug. 20	Pilots are, by the laws of the United States, regulated by the several States; the pilot-laws of the State of New York; reciprocity rests with the States.	1119
758	Mr. Cadwalader to Mr. Stenersen.	Oct. 13	The Secretary of the Treasury is prepared to admit the claim made on behalf of the Norse line of steamers respecting the exemption of dues.	1120

TURKISH EMPIRE.

OTTOMAN PORTE.

No.	From whom and to whom.	Date.	Subject.	Page.
759	Mr. Baker to Mr. Fish.....	1873. July 17	Inclosing copy of the report of the commission appointed for the purpose of interpreting the words <i>tonneau de capacité</i> in the firman issued to the Suez Canal Company.	1121
760	do	July 22	Interdiction of the exportation of beasts of burden from the ports of Beirut, Mersina, and Alexandretta for four years.	1122
761	do	July 29	Interpretation of Article 17 in the charter of the Suez Canal Company; contemplated international-tonnage commission.	1123
762	do	Aug. 13	Second circular-letter from the Porte respecting the tolls charged by the Suez Canal Company; the international-tonnage commission to meet at Constantinople September 15; asks instructions as to delegates from the United States.	1125
763	do	Aug. 14	Proposed form of adhesion to the project of Egyptian judicial reform intended to be signed by the representatives of foreign powers.	1126
764	do	Aug. 25	Slave-traffic from Africa to the Levant by the way of Malta; slave-trade in Turkey.	1127
765	do	Sept. 4	Proposed international-tonnage commission; correspondence with the Department of State; circular of the Ottoman government.	1129
766	do	Sept. 19	Same subject; disappointment at the possibility that the United States will not be represented in the commission.	1131
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The first of these was the discovery of the circulation of the blood by William Harvey in 1628. This discovery was a major breakthrough in the history of medicine, as it established the fact that the blood is constantly circulating throughout the body. Harvey's discovery was based on his observations of the heart and the blood vessels, and his experiments with animals. He showed that the heart pumps blood out to the rest of the body, and that the blood returns to the heart through the veins. This discovery was a major step forward in the understanding of the human body, and it paved the way for the development of modern medicine.

Another major discovery in the history of medicine was the discovery of the germ theory of disease by Louis Pasteur in 1861. This discovery established the fact that many diseases are caused by microorganisms, and it paved the way for the development of vaccines and antibiotics. Pasteur's discovery was based on his experiments with the fermentation of wine and the spoilage of food. He showed that the microorganisms that cause these processes are also the ones that cause disease. This discovery was a major step forward in the understanding of the causes of disease, and it paved the way for the development of modern medicine.

The discovery of the structure of DNA by James Watson and Francis Crick in 1953 was another major breakthrough in the history of medicine. This discovery established the fact that DNA is the genetic material of all living organisms, and it paved the way for the development of modern genetics. Watson and Crick's discovery was based on their experiments with X-ray diffraction and the chemical structure of DNA. They showed that DNA is a double helix, and that the sequence of the bases in the DNA molecule determines the genetic code. This discovery was a major step forward in the understanding of the genetic code, and it paved the way for the development of modern genetics.

PROCLAMATION, ETC.

No. 1.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by the thirty-third article of a treaty concluded at Washington on the 8th day of May, 1871, between the United States and Her Britannic Majesty, it was provided that "Articles XVIII to XXV, inclusive, and Article XXX of this treaty, shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the legislature of Prince Edward's Island, on the one hand, and by the Congress of the United States, on the other;"

And whereas it is provided by Article XXXII of the treaty aforesaid "that the provisions and stipulations of articles XVIII to XXV of this treaty, inclusive, shall extend to the colony of Newfoundland, so far as they are applicable. But if the Imperial Parliament, the legislature of Newfoundland, or the Congress of the United States, shall not embrace the colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect; but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair any other articles of this treaty;"

And whereas by the second section of an act entitled "An act to carry into effect the provisions of the treaty between the United States and Great Britain, signed in the city of Washington the 8th day of May, eighteen hundred and seventy-one, relating to the fisheries," it is provided;

"That whenever the colony of Newfoundland shall give its consent to the application of the stipulations and provisions of the said articles eighteenth to twenty-fifth of said treaty, inclusive, to that colony, and the legislature thereof and the Imperial Parliament shall pass the necessary laws for that purpose, the above-enumerated articles, being the produce of the fisheries of the colony of Newfoundland, shall be admitted into the United States free of duty, from and after the date of a proclamation by the President of the United States declaring that he has satisfactory evidence that the said colony of Newfoundland has consented, in a due and proper manner, to have the provisions of the said articles eighteenth to twenty-fifth inclusive of the said treaty extended to it, and to allow the United States the full benefits of all the stipulations therein contained, and shall be so admitted free of duty so long as the said articles eighteenth to twenty-fifth, inclusive, and article thirtieth of said treaty, shall remain in force, according to the terms and conditions of article thirty-third of said treaty;"

And whereas the Secretary of State of the United States and Her Britannic Majesty's envoy extraordinary and minister plenipotentiary at Washington have recorded, in a protocol of a conference held by them at the Department of State in Washington on the 28th day of May, 1874, in the following language:

1 F R

“Protocol of a conference held at Washington on the twenty-eighth day of May, one thousand eight hundred and seventy-four.”

“Whereas it is provided by Article XXXII of the treaty between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, signed at Washington on the 8th of May, 1871, as follows :

“‘ARTICLE XXXII.

“‘It is further agreed, that the provisions and stipulations of Articles XVIII to XXV of this treaty, inclusive, shall extend to the colony of Newfoundland, so far as they are applicable. But if the Imperial Parliament, the legislature of Newfoundland, or the Congress of the United States, shall not embrace the colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect ; but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair any other articles of this treaty ;’

“And whereas an act was passed by the Senate and House of Representatives of the United States of America in Congress assembled, and approved on the first day of March, 1873, by the President of the United States, entitled ‘An act to carry into effect the provisions of the treaty between the United States and Great Britain, signed in the city of Washington the eighth of May, 1871, relating to fisheries,’ by which act it is provided :

“‘Section 2. That whenever the colony of Newfoundland shall give its consent to the application of the stipulations and provisions of the said articles eighteenth to twenty-fifth of said treaty, inclusive, to that colony, and the legislature thereof and the Imperial Parliament shall pass the necessary laws for that purpose, the above-enumerated articles, being the produce of the fisheries of the colony of Newfoundland, shall be admitted into the United States free of duty from and after the date of a proclamation by the President of the United States, declaring that he has satisfactory evidence that the said colony of Newfoundland has consented, in a due and proper manner, to have the provisions of the said articles eighteenth to twenty-fifth, inclusive, of the said treaty extended to it, and to allow the United States the full benefits of all the stipulations therein contained, and shall be so admitted free of duty, so long as the said articles eighteenth to twenty-fifth, inclusive, and article thirtieth, of said treaty, shall remain in force, according to the terms and conditions of article thirty-third of said treaty ;’

“And whereas an act was passed by the governor, legislative council, and assembly of Newfoundland, in legislative session convened, in the thirty-seventh year of Her Majesty’s reign, and assented to by Her Majesty on the twelfth day of May, 1874, intituled ‘An act to carry into effect the provisions of the treaty of Washington as far as they relate to this colony :’

“The undersigned, Hamilton Fish, Secretary of State of the United States, and the Right Honorable Sir Edward Thornton, one of Her Majesty’s most honorable privy council, knight commander of the most honorable Order of the Bath, Her Britannic Majesty’s envoy extraordinary and minister plenipotentiary to the United States of America, duly authorized for this purpose by their respective governments, having met together at Washington, and having found that the laws required to carry the Articles XVIII to XXV, inclusive, and Articles XXX and XXXII, of the treaty aforesaid, into operation, have been passed by the Congress of the United States on the one part, and by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the legislature of Prince Edward’s Island and the legislature of Newfoundland on the other, hereby declare that Articles XVIII to XXV, inclusive, and Article XXX, of the treaty between the United States of America and Her Britannic Majesty shall take effect, in accordance with Article XXXIII of said treaty, between the citizens of the United States of America and Her Majesty’s subjects in the colony of Newfoundland on the first day of June next.

“In witness whereof the undersigned have signed this protocol and have hereunto affixed their seals.

“Done in duplicate at Washington this twenty-eighth day of May, 1874.

[L. S.]

“HAMILTON FISH.

[L. S.]

“EDWD. THORNTON.”

Now, therefore, I, ULYSSES S. GRANT, President of the United States of America, in pursuance of the premises, do hereby declare that I have received satisfactory evidence that the Imperial Parliament of Great Britain and the legislature of Newfoundland have passed laws on their part to give full effect to the provisions of the said treaty, as contained

in articles eighteenth to twenty-fifth, inclusive, and article thirtieth of said treaty.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington this twenty-ninth day of May, in the year of our Lord one thousand eight hundred and seventy-four, and of the Independence of the United States of America the ninety-eighth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

No. 2.

Circular No 53.

DEPARTMENT OF STATE,
Washington, February 25, 1874.

*To the Diplomatic and Consular Officers
of the United States:*

GENTLEMEN: Hereafter passports issued to a citizen of the United States from this Department are to be regarded as valid for two years from their respective dates, but not longer.

I am, gentlemen, your obedient servant,

HAMILTON FISH.

CORRESPONDENCE.

ARGENTINE REPUBLIC.

No. 3.

Mr. White to Mr. Fish.

No. 29.]

UNITED STATES LEGATION,
Buenos Ayres, September 12th, 1873. (Received Oct. 22.)

SIR: An attempt to assassinate the President of this Republic was recently made, the assassins firing upon him while passing through the streets in his carriage at 9 o'clock in the evening. He escaped unhurt, however, and the men who made the attempt, two Italians, (brothers, by the name of Guerri,) were arrested, one of them confessing their guilt and stating that they were employed by a person unknown to them.

It is the general belief that the crime was instigated by persons concerned in the rebellion in Entre Rios.

Shortly after the occurrence, I called upon the President and officially congratulated him upon his escape. He expressed the opinion that the attempt was dictated by the malice of "anti-progresistas"—men who are opposed to the general education of the people and their advancement in civilization, the energetic advocacy of which has rendered him obnoxious to this class; but felicitated himself upon the progress already made, and the certainty of the complete triumph of this essential principle of republicanism, which the death of no one man could materially retard.

I have, &c.,

JULIUS WHITE.

No. 4.

Mr. Osborn to Mr. Fish.

No. 11.]

UNITED STATES LEGATION,
Buenos Ayres, June 13, 1874. (Received July 21.)

SIR: The presidential electors chosen at the late election by the people of the several provinces, met on yesterday for the purpose of casting their ballots for President and Vice-President of the Argentine Republic. In this province (Buenos Ayres) the most important and most populous, the votes of the electors were for General Bartolome Mitre for President and Señor Torrent for Vice-President. No dispatches have yet been received of the result in the other provinces, but it is generally conceded that Don Nicholas Avellaneda for President and Don Mariano Acosta for Vice-President, have obtained a large majority of the electoral vote.

and are elected. The friends of General Mitre claim that frauds of the most gigantic character were practiced by the party of the successful candidate, and some of his partisans and newspaper organs have been making suggestions of resistance and revolution if the result should be against him; but I do not think they will attempt to put their threats into execution. It is understood that the present administration (President Sarmiento) is favorable to the claims of Señor Avellaneda, and he would, of course, exercise the entire power of the government to put down any disorder which might arise. The papers this morning mention rumors of a popular disturbance in the province of "Entre Rios," but it is not generally credited. It is not probable that General Mitre will do anything to aggravate or encourage the bad temper which may now exist; and as the President-elect does not assume the office until next October, all excitement will doubtless be subdued long before that time.

It has been suggested to me that General Mitre is favorable to a peaceful solution of the present diplomatic misunderstanding between Brazil and the Argentine Republic, and that Señor Avellaneda is the candidate of the war party, but I have not been able, thus far, to find any substantial foundation for the statement.

I have, &c.,

THOMAS O. OSBORN.

No. 5.

Mr. Osborn to Mr. Fish.

No. 15.]

UNITED STATES LEGATION,
Buenos Ayres, July 10, 1874. (Received August 20.)

SIR: The ninety-eighth anniversary of the Independence of the United States was recognized and observed at this legation on the 4th instant.

The legation was thrown open at 2 p. m., and a reception, given by the minister-resident, was attended by President Sarmiento in person, accompanied by his cabinet-ministers and justices of the supreme court; by ex-President General Mitre and the President-elect, Dr. Avellaneda; by a large number of senators and deputies of the National Congress; by the governor of the province of Buenos Ayres, and his staff; by the entire diplomatic and consular corps, and many prominent native citizens, as well as the American residents here.

The Argentine Republic having paid distinguished honors to our national anniversary, not only by the presence of his excellency the President, and their excellencies the several ministers of state and justice, at this legation, but also by the adjournment of the National Congress and the supreme court for the day; by saluting our flag with twenty-one guns; by flying the Argentine flag from the public buildings, and by giving other evidences of friendship and good-will toward the United States, I had the honor to request by note the commander, Captain Mahan, of the United States steamer "Wasp," if consistent with the rules and regulations of the Navy Department, to cause a proper salute to be given by his guns to the Argentine flag on the 9th instant, which is known as the "independence day" of the Argentine Republic. The request was complied with for the reasons set forth in his reply to my note, copies of which I have the honor to inclose.

As a further recognition of these manifestations of good-will toward the United States a note of acknowledgment and thanks was promptly addressed to the minister of foreign affairs.

I have the honor also to inclose herewith paragraphs from the leading newspapers of this city noticing the anniversary and its observance.

I am, &c.,

THOMAS O. OSBORN.

[Inclosure 1 in No. 15.]

Mr. Osborn to Captain Mahan.

UNITED STATES LEGATION,
Buenos Ayres, July 4, 5 p. m., 1874.

SIR: The Argentine Republic having paid distinguished honors to our national anniversary, not only by the presence of his excellency the President and their excellencies the several ministers of state and justice at this legation to-day, but also by the adjournment of the National Congress and supreme court of justice; by saluting our flag with guns; by flying the Argentine flag from the public buildings, and by giving other evidences of fraternity, friendship, and cordial good-will toward the United States Government, I have the honor to request, if consistent with the rules and regulations of the Naval Department, that you cause a proper salute to be given by your guns to the Argentine flag on the 9th instant, which is known as the "independence day" of the Argentine Republic.

With the highest consideration, I am your obedient servant,

THOMAS O. OSBORN,
Minister Resident.

Capt. A. T. MAHAN,
Commanding United States Steamer Wasp.

[Inclosure 2 in No. 15.]

Captain Mahan to Mr. Osborn.

UNITED STATES STEAMER "WASP," (4th rate,)
Buenos Ayres, July 6, 1874.

SIR: I have the honor to acknowledge the receipt of your note of the 4th instant requesting me to salute the Argentine flag on the 9th of July, for the reasons you specify. In reply I have to say that, while I desire to manifest by every means in my power the friendly feeling of our Government to that of the Argentine Republic, the fact of their courteous salute to our flag on the 4th of July would not alone be sufficient to justify my disregarding my general instructions and the custom that vessels with the small armament of the Wasp do not salute.

The same courtesy of a salute on the 4th of July has been paid by the government of Uruguay and not returned by this vessel.

The unusual compliment paid by the President of the Argentine Republic, and other high officials, attending your reception at the United States legation in order to express his sympathies with our nation appears, however, to justify a departure from ordinary rules, and, in acknowledgment of the distinguished honor thus paid to us, I shall be happy to comply with your request.

Very respectfully, your obedient servant,

A. T. MAHAN,
Commanding United States Steamer Wasp.

General T. O. OSBORN,
United States Minister Resident.

[Inclosure 3 in No. 15.]

THE AMERICAN RECEPTION.

The "reunion" yesterday at the United States legation was brilliant and numerously attended. Among those present were President Sarmiento, Dr. Frias, prime minister; Dr. Avellaneda, General Mitre, Dr. Rawson, Hon. Lionel Sackville West, H. B. M. envoy extraordinary; M. Ducros Aubert, French plenipotentiary; M. Peralta, Spanish

minister; Dr. Alvear, Mr. F. St. John, Mr. Posadas, postmaster-general of the republic; Colonel Peña, General Meyer, Comendador Fleury, Captain Mahan, and officers of the United States steamer "Wasp," the Commander of the Spanish gunboat, Sr. Lamarca, sub-secretary of foreign affairs; Mr. Cristofersen, Swedish consul-general; Mr. Carranza, Bolivian consul-general; Mr. R. Bridgett, H. M. acting consul; Messrs. Daniel Gowland, Coffin, Goschen, Guido, Mulhall, Hopkins, Folmar, Meeks, Speare, Benton, Rev. Dr. Jackson, Mitre-Vedia, Negrotto, Cathcart, Naulty, Passman, the consuls of Germany, Denmark, Switzerland, Italy, and about one hundred other gentlemen.

General Osborn, assisted by his secretary, Mr. Bowers, and the United States consul, Mr. Baker, received his guests in the handsome suite of saloons forming the American legation, which were tastefully decorated for the occasion. The portrait of Washington was hung between the American and Argentine flags, and the tables were laid out with wine and lunch.

When President Sarmiento arrived, accompanied by the cabinet ministers, in the state carriage, which was followed by the President's body-guard, the saloons were already crowded and presented a gay appearance. General Osborn wore plain evening-dress. The American and other officers were *en grande tenue*. Nothing could be more cordial than the congratulations of President Sarmiento and the various European plenipotentiaries to the American minister, as well as of the leading Argentine and other visitors.

General Osborn, standing next the President of the republic, saluted the assembly in the following speech:

"Friends and fellow-countrymen: On this anniversary I have much to say to you, but all is contained in the one word, 'welcome!'"

It has been the custom for years to celebrate this anniversary at home and abroad, for it was declared that this day should be kept in all time as one of rejoicing and congratulation.

"And posterity will celebrate this day. Upon the annual return of this glorious, immortal day, they will celebrate it with thanksgiving, with festivities, and with prayer. It may be they will shed tears, but not of subjection and slavery, not of agony and distress, but in exultation of gratitude and of great joy."

"This is the prophecy that was made at one of the most critical periods in the early history of our people, at a most awful and momentous period to them, when the present was full of doubt and a dark mantle was upon the future; when no bright and guiding star had yet appeared; when naught but a faint and glimmering hope gleamed upon their dark and dangerous pathway. But it was uttered by one who with a strong heart and a steady nerve dared to lift the veil. And he said, 'I see!' And close upon the future, with a prophetic eye, he saw a young republic. Up to this hour, that prophecy has been verified; thus far it has been fulfilled; ninety and eight times has the earth performed her journey around the sun, and upon the annual return of this day the booming of cannon, the displays of the Stars and Stripes, herald its approach; and Americans everywhere meet, as we to-day, to do it honor. This is the day we celebrate, for it was made glorious, not by the birth of a king or an emperor, made sacred, not by crowns or scepters, but by the declaration of that truth, that men, rational and intelligent, were capable of self-government. It was made glorious by the pen of patriots, and holy by the hand of death. Eight and ninety years ago to-day the beautiful sentiments in our Declaration of Independence passed into the unbending text of organic law. Then we were comparatively weak; to-day the republic is strong. Then her flag was almost friendless upon the sea and land; to-day she can rally more than forty millions round her standard. Then civilization was creeping slowly up the Alleghany Mountains; to-day her brow is bathed in the waters of the Pacific.

"We should not forget that this day, in 1776, was devoted to discussion and reflection. A deliberative body, that gave out a larger influence, perhaps, to the political world than any other assemblage that ever convened, was in session. A few words of warning, a few words of caution, portraying the rashness of the attempt to sever the ties that bound America to the mother country; a few appeals to the remembrance that no oppression, save that of taxation without representation, had been imposed; a few appeals to the recollection that both countries spoke a common language, had a common literature and a common ancestry; a few expressions concerning the beauty and holiness of peace and the horrors of war, but all in vain; and then carried along on the irresistible surges of the coming revolution, rose up speakers saying sentences sparkling with the love of freedom, breaking out with fierce invectives against the wrong of taxation without representation, painting the happiness and glories of a free country in that glad and happy future we have lived to see; next, a few names to a piece of parchment, and the work of the day was over, and every man who took the pen was a free-man or a traitor.

"But the deed was done, yet the work of seven long years was to be accomplished. But those who dared to proclaim dared to maintain.

"The Revolution was in no sense the work of a few orators and writers; the military achievements were not altogether due to the foresight and ability of a few generals;

the great mass of the American people bore its burden upon their own shoulders. The political force of the Declaration arises from the fact that it was the utterance of a people who glorified what they said by doing it, who made vital living truths the basis of national action, who gave to their country not only the proclamation of freedom, but freedom itself.

"My countrymen, I have no time to-day to lead you back into the shadow of a century, and wander with you over the battle-grounds whereon the champions of the Revolution contended. Why should I? You have often, if not in person, in your imagination, lingered near their battle-fields where they shared with each other the terrors of Trenton, the carnage of Brandywine, the frost and cold of Valley Forge, and left their bloody foot-prints upon the banks of the Delaware. It is and ever has been the policy of our Government, and history tells it, as that of peace and non-interference with other governments, no entangling alliances with or against any government on earth. Prosperity and happiness to all governments and their peoples, and the right to work out her own destiny, is her motto. And yet it is true she turns some of the pages in her history that are written in her own blood. Every nation has its critical period. That period came to our country when it seemed that wrong and oppression combined to stop the advancing spirit of the age; when some of her own children undertook to sustain wrong by age, error by custom, and oppression by the past. The house could not stand thus divided; but, 'with charity for all and with malice toward none,' the republic repelled the first assault and thundered from the lips of Union guns, the field trembled, a world was startled, and republics were put to the test. In magnitude and force it was a grand rebellion. In numbers and power, in determination and boldness, it challenges the world. Yet our colleges, and universities, and common schools had done their work too well to be finally defeated, for they not only disciplined men, but they made patriots, for wherever was found the patriot's heart was found the patriot's steel.

"The time did come, and it is past, thank God, when wrong and oppression rendered it necessary for her in self-defense to invoke the arbitrament of force and arms to protect and settle questions of political rights, yet the truth of freedom did shine out resplendently from the smoke of her battle-fields and completely wipe out the 'sum of all villainies.' To-day the republic is a unit, and her future does not depend upon the arms as her prowess, for the last great disturbing element has passed from her; but rather in a clear sense of her dependence as a people upon the everlasting principles of truth, right, and liberty, and a reverent recognition of God as the arbiter and controller of our national destiny.

"My countrymen, while our people at home have but one common country, one grand temple of freedom, but one altar, around which they all gather to-day to stir the fires, light their sacrifices, and are always ready for the time of action, you are some six thousand miles away assembled at this legation in the capital of this grand sister republic. I know you feel almost at home. Then in your name, in the name of our republic, to these her friends I say, hail! and welcome! And in honor of this day we celebrate, I give to you, the President of the Argentine Republic, the republic of South America, and to the President of the United States, the republic of North America."

President Sarmiento then replied in the following speech, which he read in Spanish:

"Sr. Minister: When your excellency may read the debates of our congress, the messages of the executive, or the tendency and spirit of its acts, you will find that there is a family link; that there is a political doctrine that makes a single people of the whole continent which Columbus added to the general civilization of the world.

"The 4th of July is for us the completion of the conquest which humanity achieved in 1494. The rejoicing shade of Columbus hung on that day over the august heads of those that signed the act of Independence.

"We also were there, as there are in the buds and flowers of the trees, present until the consummation of the centuries, the future and successive generations of plants that have to represent the species in the magnificent drama of the development of the plan of the creation, as well in the physical as in the moral.

"On the 9th of July our fathers reproduced the second edition of the same act as yours of the 4th, and sixty years after we meet together reunited here, under the shade of our respective flags, to congratulate each other upon having passed safely through all human vicissitudes, through the various difficulties that we have encountered on the road, and now rejoice that while the old political world vacillates upon its foundations, the new, in these our two countries, under the protection of an identical constitution, reposes tranquil in the well-regulated activity of the hive without a queen, but with a government that directs or limits the beneficent action of the social force; that is, the executive power.

"Macaulay, in finishing the history of the struggle with the last of the Stuarts, and Bancroft, on prefacing thirteen volumes of the History of the United States, said we did not make a revolution, but preserved untouched the legacy of the British liberties, opposing the pretensions of the Crown that tried to go beyond the royal prerogative power.

"But with Independence we made a revolution, by creating the executive department strong and limited, sufficient to resist invasion or anarchy, and yet flexible enough to avoid collision with any liberty of action or of thought.

"We had not a foreigner's guide to traverse a new and intricate way.

"Europe could not furnish it to us. It was "the blind leading the blind." We found it in your constitution, and, strange to say, anarchy and the spirit of order, tyranny and liberty, ambition and thought, all conformed to this standard that seemed suitable to all. Thus was first formed the confederation of provincial petty tyrants, then the federation, and at last the Union, as you call it, which is the period we are now passing through in the same way as the aquatic or amphibious monsters preceded the development of life until coming to man endowed with intelligence, which discovers the unchangeable laws of nature and puts them as the basis of his institutions. I do not know if there are still surviving beings, animated with the appetites and passions of an epoch which has passed away, but you may observe by our struggles of thought and words that the whole question reduces itself to discover the mode of making practical and effective a constitution which we have adopted, and having all of us for our guide your public writers and commentators.

"By that way we shall arrive at port; for it is true that in the uncertainties of ideas, in the conflict of opinions, we know where we are traveling to. Not all the nations of the world can see clearly whither they point their steps, whether to a renewed past, or to an uncertain and obscure future.

"In 1810 we adhered to British liberties, purified by the republican institutions in America.

"In a century longer, those who talk that language, and those who rule themselves by its institutions in Europe, in America, in India, in Oceanica, we all shall form six hundred millions of free people, and the backward of the whole of mankind will come to join us from all parts, and I have great pleasure in calling all present to join me in the toast, 'To the 4th of July, to the United States of both Americas, to your country, Mr. Minster, and to your President's health!'"

General Osborn having proposed the memory of Washington and San Martin, the founders of American and Argentine independence, Dr. Rawson replied: "Your excellency has signally flattered us by placing our hero side by side with Washington. Yet they were both workmen in the same cause; both labored to establish principles of freedom. Washington proclaimed to the universe that all men were born with the right to make their own laws and follow their own form of religion, and this declaration was borne on the wings of the American eagle to the ends of the earth. Some years later we caught up the doctrine, and bore it triumphantly across this continent to the victorious field of Ayacucho. On a day like this we have a community of glories; but I will not now talk of your 70,000 miles of railway, your canals, your increase of population, your power in war, your wisdom in peace, your distinguished men like Morse, the Columbus of electric science. All your glory is summed up in the name of the founder of your country, the man born for all time. Gentlemen, let us drink with enthusiasm the memory of Washington."

The next toast was "Prosperity to the Argentine Republic," coupled with the name of General Mitre, who replied: "The sentiment contained in this toast is for present and future ages, based on the grand dogma of liberty and equality. In celebrating the 4th of July, we can never forget the heroism of the signers of Independence, who with unshaken nerve affixed their names, and said, 'Now let King George hang us for rebels.' This day awakens different sentiments in various countries. In those where tyrants yet rule, it is a day of dread, for they know their death-warrant has gone forth. In lands where slaves yet breathe, it is looked forward to as a date of promise and delivery. But in the hearts and homes of free men all the world over, it is hailed with a burst of glorious celebration, such as we now see around us. May this 4th of July be regarded as the bright omen of the new world, a star leading the destinies of mankind to life, liberty, and progress."

The memory of Lincoln and Rivadavia was responded to by Rev. Mr. Jackson, who spoke feelingly of the visible interposition of Divine Providence in guiding the affairs of nations. Lincoln was an instrument of Heaven to wipe out the foul blot of slavery in North America. Rivadavia was a man of transcendent genius, sent to advance civilization in La Plata. The flag of the stars and stripes now floats over a people truly free. The star of the Argentine flag is undimmed in its horizon of blue and white.

The relations between the United States and La Plata was replied to by Mr. Hopkins in a powerful and argumentative speech. In 1818, the United States sent a commission to study the condition of the new republic of La Plata. In 1823, the first consul sent to Spanish America was to Buenos Ayres, because this city had first begun the struggle for independence. When the Holy Alliance at Aix la Chapelle was forging fetters for South America, by restoring to Spain her colonies, England and the United States refused, and Henry Clay was the first to recognize the young republic. But Rosas and General Jackson, each in his way, contributed to cut off relations between North and South. When Rosas fell the United States hastened to renew relations, the

first treaty for opening the rivers being signed between General Urquiza and the United States minister. The first Argentine minister sent to Washington was Mr. Sarmiento, who found few people knew anything about Buenos Ayres. De Tocqueville, years ago, recommended Americans to cultivate closer relations with Spanish America. Grant is doing so; and many of our best writers and statesmen labored for this.

Washington Irving, Prescott, Motley, and Ticknor, by their writings; Gillies and Gould, by their astronomical labors; Stevens and Squires, by their explorations; Wheelwright, Meigs, and Church, by their enterprises; Monroe, Clay, Adams, and Webster, by their fearless enunciations of state policy—all helped toward drawing closer the republics of the new world. Some of them are backward, after fifty years of freedom, but did it not take Europe three hundred years to emerge from feudalism? We find republicans in every land in Europe, such as John Stuart Mill, Lamennais, Humboldt, and Arago, which shows how true principles make progress. Twenty years ago Kent and Story were unknown in Buenos Ayres; now every lawyer has them on his shelves. Let us labor to carry out the proposed line of steamers between United States and Buenos Ayres, and then our relations will be much closer.

Mr. Lamarca, of the foreign office, followed, and at 4.30 p. m. the President and many of the guests retired.

The popular toast of "The Ladies" was then proposed by Gen. Osborn, ably responded to by Mr. Yeatman; then came the toast of the "Army and Navy," and coupled with it "The Press," to which Mr. W. T. Cathcart (of the Daily News) replied in a brief manner.

We may mention that this year no invitations were sent to any person. It was merely made known that the saloons of the United States legation on the day in question were open for the reception by General Osborn of all true citizens, rich or poor, as also friends of the Union. A large assembly was the consequence of this open and free opportunity to celebrate an important day in the world's history.

No. 6.

Mr. Osborn to Mr. Fish.

No. 16.]

UNITED STATES LEGATION,

Buenos Ayres, July 15, 1874. (Received August 20.)

SIR: The election of Dr. Don Nicholas Avellaneda as President of the Argentine Republic, and Don Mariano Acosta as vice-president, is the result of the ballots cast by the presidential electors chosen at the late election by the people of the several provinces.

It is claimed that frauds of the most serious character were practiced by the unsuccessful as well as by the successful party in the contest, but I learn from very good source that the authorities have eliminated the frauds practiced by both parties, and the result is still in favor of the parties above named. For the past ten days rumors of coming trouble and revolution have filled this city. A few nights ago the guards were doubled and the troops were put under arms, by reason of the fact that three thousand muskets were detected in the possession of one Caballos, said to be a Brazilian.

A regiment of troops from one of the upper provinces was at once ordered to the city, and the present administration seems determined to put down any disturbance which might arise. It is now claimed by the friends of the unsuccessful candidate in the late election, General Mitre, that Dr. Don Nicholas Avellaneda cannot be legally declared President from the fact that the constitution requires that a quorum of two-thirds of the national congress is requisite to perform that duty; and as the deputies of this province, Buenos Ayres, friends of General Mitre, are not permitted to take their seats, there will be no constitutional quorum of the national congress present to declare Avellaneda President.

It is claimed by the other side that the constitution requires only two-thirds of the members seated and present to make the proclamation.

This question may be made the pretext or basis of trouble and even revolution, but the future can only determine.

On the 30th of June last, two officers of a Brazilian gunboat in Alto Uruguay, landed at Argentine town, Alvear, were insulted, and the surgeon (one of the officers) was killed. The commander of the gunboat demanded the surrender of the assassin, which on being refused, fired on the town. The affair produced quite a sensation both in private and government circles. It is understood that several sharp notes passed between the minister for foreign affairs and the Brazilian minister on the subject, and resulted in the disapproval of the act of the commander of the gunboat by the Brazilian government and his dismissal from service.

I am, &c.,

THOMAS O. OSBORN.

AUSTRIA-HUNGARY.

No. 7.

Mr. Jay to Mr. Fish.

No. 655.]

AMERICAN LEGATION,

Vienna, November 6, 1873. (Received December 8.)

SIR: The opening of the Austrian Reichsrath by the Emperor in person occurred yesterday with the usual formalities; and the ceremonial has attracted the greater interest from the fact that the present Reichsrath is the first where the members of the House of Deputies have been elected, not as formerly by the Diets, but directly by the people under the new electoral law, of whose provisions I had the honor of advising you by my No. 545, of the 18th of February. The speech of the Emperor, of which I will append a translation, was cordially received, and the closing passages were warmly cheered. His Majesty remarked that they were entering upon a new period of their constitutional life, on the basis of an independent representation, which would enable all parties to give full expression to their needs and their wishes; and he invoked their intelligent co-operation in aiding his government to develop the constitutional institutions of the empire, and to protect its unity and its strength without forgetting the interests of the various nationalities. Allusion was made to the financial crisis now prevailing from exaggerated values and an abuse of credit—for the redress of which measures would be proposed—and to bills which would be submitted for their consideration on the relation between the church and the state by reason of the dissolution of the concordat with the Holy See.

Stress was laid upon the necessity of establishing a constitutional judiciary, and of further provision respecting the service of the army.

A paragraph was devoted to the Universal Exhibition, which, despite of difficulties, had achieved a brilliant success; and which, exercising a beneficent influence upon the spiritual and economic life of peoples, tending to the development of civilization and of the spirit of invention, and to a just appreciation of honest labor, would be appreciated throughout the world, while it aroused pride and hope in all patriotic breasts. The visits of sovereigns far and near had strengthened the ties of friend-

ship and augmented the guarantees of peace, while they had made more important the position of the monarchy in the concert of states.

The speech closed with an assurance that, amid vicissitudes and painful trials, Austria to-day found herself rejuvenated at home and commanding respect abroad; that in every domain of public life the barriers that restrained free movements had fallen, and they were on a path that would conduct them to a solution of their great task—the union of the people of Austria in a powerful state, guided by the ideas of right and of freedom.

To the accomplishment of that task, faithful to his motto, "*Viribus unitis*," he invoked their united efforts for the honor and safety of their dear Austria.

The applause at the conclusion of the address and as the Emperor retired, passing between the members of the two houses, who occupied the floor of the hall, was hearty and prolonged.

The newspapers this morning exhibit an unusual unanimity in the favorable view taken of the address.

The *Fremdenblatt* says:

Never did a speech from the throne bear testimony in a manner more clear and precise to the perfect accord of the sovereign with the principle and policy of his ministers. * * The Emperor has really pronounced in it noble and patriotic words, and in recognizing that his task as well as ours is to make Austria a powerful state based upon the ideas of right and of liberty, he has created so intimate an alliance with his peoples that it will survive all vicissitudes of time.

The New Free Press remarks that—

The discourse from the throne has produced an impression of profound satisfaction. The spirit that animates it is that of the modern ideas. * * * If the discourse proclaims as the task for all the living forces of the empire to make Austria a powerful state, based upon the ideas of right and of liberty, it is the erection, as it were, of two columns of Hercules, whose signal-lights will illuminate our whole public life. The discourse from the throne is a programme which the Reichsrath and the population may greet with acclamation. There is in it nothing obscure or unequivocal. It takes into serious consideration the real needs of the empire and the most pressing exigencies of liberty, and, above all, it is eminently fitted to awaken the hope of an understanding and of action simultaneous, harmonious, salutary, and beneficent between the government and the representation of the country.

The *Morgen Post* says that the words of the Emperor are like a ray of light which penetrates the dark clouds.

The *Tagblatt* says:

The words quoted from the discourse from the throne authorize us to assume that yesterday in the throne-hall the modern constitutional state has received a solemn consecration. The extraordinary character of the enunciations of yesterday do not admit of their acceptance as if they reflected in general only the opinions of the present ministry.

The *Gazette Allemande* says:

Over the new reforms which are in preparation, and which, for the most part, correspond with our exigencies, the sky expands without a cloud to disturb the peace—reflecting the wishes of all civilized people, and promising to preserve its serenity for some time at least—thanks to the real political necessities of the powers that control the situation.

The New *Fremdenblatt*, after remarking that it had often deplored and blamed the Auersperg ministry for not taking sufficient account of the passions of the masses, and forgetting that cold reasoning was not sufficient to move the large majority of a great people, says:

That the discourse from the throne of yesterday breathes for almost all of its parties warm and patriotic sentiments.

The *Tages Presse* expresses similar views.

The (old) Presse says :

Never, in truth, has a discourse from the throne recognized and indicated in a manner so beautiful and so noble the mission of this old empire.

The Vaterland, the organ of the federalists, who are opposed to the constitution, observes :

As to the discourse from the throne, elaborated by the Auersperg ministry, one may say that it is interesting from what it says and from what it omits to say. The partisans of the constitution have every reason to be enchanted with it.

The Volksfreund, the organ of the clericals, who have acted with the federalists constituting the party of the right, says that "the last days have showed a decomposition of the party of the right" from the refusal to appear in the Reichsrath of the Czecks and the Moravian catholic nationals. Among the absentees are to be counted also the Poles, who denounced the electoral law in advance as violating the guarantees given to the diet of Gallicia.

The Volksfreund, under these circumstances, invites the deputies opposed to the ministry to unite in forming a "catholic conservative party of the empire."

I have, &c.,

JOHN JAY.

[Inclosure.]

SPEECH FROM THE THRONE, APPEARING IN THE "MÉMOIRAL DIPLOMATIQUE."

[Translation.]

Speech of the Emperor at the opening of the Reichsrath, on the 3d November, 1873.

Honorable Gentlemen of both Houses of the Reichsrath :

With joy I see you assembled around my throne for the faithful performance of your duties as citizens, and I bid you welcome while I present my imperial greeting. A new epoch of our constitutional existence has been opened for the formation of the lower house. Through direct elections the representation of the empire has acquired its independence, and the ground has been erected upon which all parties may be enabled to express their claims and their desires.

It will now be your task, honorable gentlemen, to finish the edifice with refined wisdom upon the foundation obtained, and to provide, in union with my government, for the maintenance and development of our constitutional institutions.

Without trespassing upon the guaranteed rights of the various countries of the monarchy, you will develop the unity and the might of the empire without neglecting the interests of the different races ; you will satisfy the requirements of the state ; and you will consecrate all your endeavors to the great and difficult problems for the successful solution of which I appeal to your intelligent aid.

In this manner, thanks to a gradual advance and to diligent labor, you will reach the desired point, where, by unanimous care for the interest, both of the united, as well as individual portions of the empire, and by affection for a common country, differences of opinion will disappear and interior tranquillity will be founded upon a durable foundation.

To a period of national economic elevation has succeeded one of those reverses which occur from time to time in the existence of nations as a consequence of the hasty and exaggerated employment of financial means and credit. My government has endeavored, within the limits traced by the laws, and by its own responsibility, to preserve as far as possible commerce and industry from the pernicious consequences of this disturbance of confidence. The measures which have been taken for this purpose will be immediately submitted to your constitutional deliberations.

My government will propose to you at the same time measures adapted to sustain confidence, to secure the national activity from serious disturbances, and to replace the domestic relations upon a firm basis.

In the draught of the budget which will be submitted to you you will find those principles of economy realized which should be rigorously followed in order to maintain the finances of the government in a satisfactory condition. In order to realize the

urgent reform of the system of direct taxes there will be presently submitted to you a series of draughts of laws; also, in the matter of indirect taxes, your aid will be required in the matter of different laws, of which the draughts have been prepared.

The approaching expiration of the charter of the National Bank renders it necessary to regulate for the future the condition of this institution, and to take such measures as may be necessary to attain the important regulation of the valuta.

In order to adapt economical legislation to the requirements of the period, my government is engaged in preparing draughts of laws relative to shares and to the stock-exchange; also to the exercise of industry and to railways, as well as to the advancements of natural progress.

The draughts of laws necessary for filling the gaps which the abolition of the convention made with the Papal state has produced in the legislation relative to the relations between the Catholic Church and my government will be presently submitted to you.

My government considers one of its most important tasks to be the reform of criminal law, of civil procedure, and of judicial re-organization which is connected with it. The present condition of these labors of my government induces me to hope that you will succeed in shortly terminating the work so important, for the purpose of assuring, simplifying, and accelerating the administration of justice.

The draught of a law for the creation of an administrative court of justice, which could not be discussed during the preceding session, will now be submitted to your constitutional examination. My government will present a series of draughts of laws relative to the pensions of invalids, to the quartering of troops, to the organization and use of the armed civil force.

Notwithstanding the difficulties with which the exposition had to struggle, this great enterprise has had a brilliant career, and it has been universally appreciated; its salutary influence on the intellectual and economic existence of nations, on the progress of civilization, on the encouragement of the spirit of invention, and of industrial activity, as well as on the respect due to honest labor, will be gratefully regarded in all parts of the world. With fullest satisfaction I may therefore say, that in this pacific tournament we have contended with honor, and have obtained a success which must fill every patriotic heart with pride and with hope.

The visits paid to me during the Universal Exposition by the sovereigns of states, remote and near, have secured more closely the bonds of friendship with these empires; they have augmented the guarantees of peace, and the influence of monarchy in the government of nations.

Honorable Gentlemen of both Houses of the Reichsrath:

After various vicissitudes and disastrous struggles, Austria is to-day renovated at home, while she commands respect abroad. In all branches of public life, the causes which interfered with free movement have been suppressed, and we have entered upon those ways which conduct to the solution of the grand problem, the union of the various populations of Austria; the establishment of a powerful state conducted by sentiments of right and of liberty. Let us labor, gentlemen, in this task, faithful to my motto, (*Viribus unilis*), and let us join our efforts in a spirit of concord for the honor and prosperity of our beloved Austria.

No. 8.

Mr. Jay to Mr. Fish.

No. 683.]

AMERICAN LEGATION,

Vienna, December 24, 1873. (Received January 12, 1874.)

SIR: I have to acknowledge your circular of the 3d December, marked "confidential," transmitting the President's message and the accompanying protocol touching the *Virginus*.

As I have before remarked, the attention which the text of the message would otherwise claim at Vienna, is in great part forestalled by the summary by cable given in the *London Times*, and reproduced by the continental press.

The *New Free Press* had a leading article this morning on the new phase of the *Virginus* question presented by the announcement that the United States had recognized the soundness of the view presented by Spain that she was not entitled to carry the American flag.

The article, while attributing the decision of the Government on this point not to the Attorney-General, but to the House of Representatives, and exhibiting, perhaps, in one or two other particulars, the carelessness and inexactness of statement to which you adverted in your No. 282, as marking a letter I had sent you from the columns of the same journal, exhibits a spirit of appreciation of the moderation and justice shown by us toward a sister republic in this matter, which I think deserving of notice, despite a few inaccuracies of form and an apparent ignorance of the terms of the protocol.

I append a translation of some brief extracts, which will show the spirit of the article on this point, as well as the appeal to Mr. Castelar, at the close, to extend to the Spanish prisoners in Cuba the rights of belligerents.

I have, &c.,

JOHN JAY.

[Inclosure.]

LEADING EDITORIAL ON "VIRGINIUS QUESTION."

[Translated from the "New Free Press."]

* * * The matter was no more examined in the newspaper columns, or in stormy assemblies convoked for the occasion, but in the Hall of Representatives, not by wildly excited masses, but by considerate politicians. Public opinion had first called for war, afterward for unconditional satisfaction. Now, satisfaction had been given, the passions had subsided, and the Congress weighed the matter slowly and considerately, and lo! what was most unexpected occurred. The Congress acknowledged that the Virginius had wrongfully carried the American flag, and it possessed the courage and honesty, not only openly to confess it, but officially to communicate to the Spanish government the surprising result of their consultations. This conduct deserves unreserved approval. As we were obliged to find, in the former phases of the "Virginus question," the procedure of the United States harsh and unjust, we must now pay our tribute to the self-knowledge, the sincere explanation of the Congress. Nothing is more difficult than the confession of being in the wrong. Even an individual with difficulty makes up his mind so far to overcome vanity and self-love; nations and states, as a rule, prefer sacrificing their goods and lives to saying to an injured neighbor, we were in the wrong. Such a step as that of the American Congress could not at all be imagined in a monarchical state. Here the foreign policy does not rest with the legislative body; this is subject neither to their direction nor supervision. * *

This is seemingly an abandonment of a success attained, but, in truth, a victory worth as much as any gained in the open field, and not less honorable.

* * * Would it not be more humane, and, perhaps, more wise, to grant to the Cuban insurgents the same rights as have been granted long ago to the Carlists in the mother country? Cowards, who are afraid of bullets, are far from combating in the ranks of the Cuban insurgents; executions do not cause any fear, but only unquenchable thirst for revenge, which is very often reeked in a dreadful manner on the Spanish soldiers. If Castelar resolved to utter the great words, "captured Cubans are to be spared like captured Carlists," his name would perhaps shine more purely and brilliantly than hitherto in the history of his native country, and the Virginus question would find a conclusion conciliatory and worthy of his country.

No. 9.

Mr. Jay to Mr. Fish.

No. 684.]

AMERICAN LEGATION,

Vienna, December 26, 1873. (Received January 15, 1874.)

SIR: In my No. 683, acknowledging your confidential circular in regard to the affair of the Virginus, I appended an extract from some

comments of the New Free Press upon the subject, which, while showing a high appreciation of the fairness exhibited by the Government at Washington, exhibited also some inaccuracies of facts due, perhaps, in part to the telegraph.

The New Free Press, in a second article on the subject, remarks: "The Virginius affair has, in its further course, been exactly developed according to the protocol lately communicated by us, which has been signed by the American minister, Fish, and the Spanish ambassador, Don Polo de Bernabé. * * They have proceeded on both sides in the case, move by move, as promptly as in a game of chess. Now, according to the same protocol, there has been instituted a trial of the surviving prisoners. Spain at the same time has bound herself in the same protocol to examine on her part whether the action of the authorities at Santiago has been in strict accordance with the Spanish laws, or with her international duties of the two parties. As it is announced, the honesty of the American Congress, who declare their own state to be in the wrong, caused great satisfaction in Madrid and in the Havana. This can, perhaps, lead to a more intimate friendship between the two reconciled republics; so much the more as Castelar, altogether a pure character, is just the statesman to make a wise and moderate use of his moral victory."

As far as I have had an opportunity of judging, the course of the United States in the matter thus far commands general approval. I have been congratulated on the wisdom, moderation, and success with which the affair has been managed under difficulties of peculiar delicacy. The further development and conclusion of the matter will, I think, be watched with attention by the European powers, as involving questions of common interest touching the reciprocal rights and duties of nations in cases of domestic insurrection where no belligerent status has been conceded to the insurgents.

Some differences of opinion have been expressed in regard to the opposite positions assumed at Madrid and Washington, and it is thought that the adjudication of these points by the American judiciary will go far to determine the international rule for the future.

I have, &c.,

JOHN JAY.

No. 10.

Mr. Jay to Mr. Fish.

No. 720.]

AMERICAN LEGATION,

Vienna, March 25, 1874. (Received April 20.)

SIR: Some eighteen months since I advised you, by my No. 499, of December 9, 1872, of the ministerial crisis in Hungary, which was ended by the retirement of Count Lonyay and the appointment in his stead of Mr. de Szlavy. I alluded to the doubts then expressed in regard to the ability of the latter to meet the difficulties of his position, and during the last year those difficulties were immensely increased. Could the declining health of the venerable Francis Deak, who has been the head and soul of the national party, have been compensated for by presence of the Count Andrassy, whose character and tact had given him a singular influence with the Hungarians, it is thought that the demoralization of the Deak party might probably have been arrested. But with Andrassy in Vienna there seems to have been no one to replace him at

Pesth, and political dissensions, an increasing dissatisfaction with the government, grave charges of a blundering policy, and finally the financial crash creating wide-spread distress, aggravated by the cholera and a bad harvest, followed by confusion and a parliamentary dead-lock, culminated in a crisis unusually prolonged and apparently hopeless. "No government, no party, no idea; where is it to end?" was the despairing cry but a few days since of the "Lloyd of Pesth."

After an effort of some weeks, in which the Emperor, or to speak more correctly, the King of Hungary, and the Count Andrassy assisted, the crisis has been at least temporarily solved by the resignation of Mr. de Szlavy being at last accepted, and a new ministry, spoken of as a coalition ministry, has been appointed under the presidency of Mr. Bitto. Mr. Bitto formerly held the portfolio of justice in the cabinets of Count Andrassy and Count Lonyay.

His associates are, in finance, Mr. Ghyczy, formerly the leader of the moderate left; in commerce, Mr. Bartal, a prominent member of the Deak party; in the interior, Count Szapary; public instruction, Mr. Trefort; justice, Mr. Pauler; national defense, Mr. Szende, with Count Joseph Zichy and Baron Wenckheim; and Mr. Pejacsevich as minister of Croatia.

Much of the antagonism existing among the leading statesmen of Hungary is referable to the compromise of 1867 between the two halves of the empire. One faction, if not a party, at that time, was totally opposed to the arrangement. Prominent men, like Ghyczy and Kolhoman Tisza, not fundamentally opposed to the compromise, desired for Hungary better terms than they obtained, and would, if in power, endeavor to procure an extension of the rights of Hungary in that direction. As the existing compromise, made in 1867, was limited to ten years, these questions touching the interests of both Austria and Hungary are sufficiently near to arouse an interest equal to that attaching exclusively to those of Hungary's internal policy.

There are many who are inclined to believe that parliamentary government in Hungary is a failure; but, plausible as may seem the reasons for such an opinion, there are others that forbid the hasty adoption of a view derogatory to the Hungarian character, and little in accord with American sentiments.

I have, &c.,

JOHN JAY.

Postscriptum.—A telegram from Pesth says that—

Yesterday, 24th March, in the chamber of deputies, the new president of the cabinet, Mr. Bitto, explained the programme of the government, and declared that its principal task would be to remedy financial and economic difficulties by the simplification of the administrative machinery and the establishment of a balance between the receipts and expenditure. He announced that the cabinet will set aside all inopportune questions and avoid all subjects of dissension; and terminated by asking for the support of all parties.

No. 11.

Mr. Jay to Mr. Fish.

No. 721.]

AMERICAN LEGATION,
Vienna, March 26, 1874. (Received April 18th.)

SIR: The present movements in Austria for revising the relations between the church and state by the series of confessional laws presented

to the Reichsrath by Prince Auersperg, the president of the ministry, and Mr. Stremayer, the minister of worship, are the legitimate outgrowth of the independent policy inaugurated by the recent chancellor, Count Beust.

In one of my earlier dispatches, No. 23, of July 27, 1869, transmitting the diplomatic red-book for that year, I alluded to the correspondence of Count Beust with Count Trautmannsdorff, the Austrian ambassador at Rome.

His excellency had said :

That the very existence of the state could only be preserved by the complete regeneration of constitutional liberties, and that to favor the free-living forces of the nation had become in consequence the fundamental principle of the government.

There was also a distinct assurance that it would be idle for Rome to continue to regard Austria as a country predestined to serve its views, and that it must recognize Austria as on the same line with other modern constitutional nations, nor attempt to impose upon her pretensions which it no longer dreamed of imposing on Belgium or France.

It was, I think, on the 30th of July, 1870, three days after the date of that dispatch, that the Emperor gave notice to the Roman court that in consequence of the new dogma of infallibility, destroying the assumed equality between the sovereignty at Vienna and that at Rome, the concordat of 1855 was *ipso facto* annulled.

The new confessional laws now before the Reichsrath have resulted from that change, their object being to regulate the relations left unsettled, and described as chaotic, between the church and the state.

The government no longer recognizes an equality between the two bodies ; but the government, asserting its sovereignty, has proceeded to define what are the internal affairs of the church to be regulated by the church, and what the external ecclesiastical affairs to be regulated by the state.

The movement is naturally opposed from Rome. The sovereign pontiff, in an encyclical letter of the 7th March, addressed to the Austrian bishops, denounced the new laws as perniciously tending to subject the church to the will and power of the state. His Holiness declared that the laws, although appearing moderate when compared with the Prussian, were really inspired by the same spirit and had the same character. He protested anew against the rupture of the concordat, and declared that the pretended alienation of the church by the dogma of infallibility was a fatal pretext. He invoked the aid of the bishops, and said that he had addressed a letter to the Emperor, praying him not to tolerate in his vast empire the dishonoring subjection of the church, nor to sanction unjust laws. The first of the confessional bills regulating the relations of the church aroused on the general debate a strong opposition, led by Count Hohenwart, formerly president of the Austrian ministry ; and the speeches on the part of this minister showed wisdom and decision.

Herr Stremayer, the minister of public worship, declared that the bill was the product of a calm and unprejudiced consideration of the existing state of affairs, and not an attempt to oppress the Catholic church. He said :

The government cannot permit the abuse of religion for the purpose of intrigues fraught with danger to the state, or allow the servants of God to become the missionaries of an organized opposition to the laws of the country. It is not intended to wage war against the church, but to bring about order in her relations with the government, so that she may freely exercise her holy mission, and not encroach upon the inviolable rights of the state.

Prince Auersperg met the threat of Father Greuter, who made a "solemn declaration" that "we in the Tyrol will never, never acknowledge such laws, come what may," with the remark that it was the sort of thing which the opposition were accustomed to say when projects were advanced that did not please them; but that if it were intended to be more than this, and they really proposed to disregard the laws, the government would be prepared vigorously to enforce obedience. This declaration called forth enthusiastic cheers, and the bill passed by 224 votes against 71—a majority unexpectedly large.

The bishops, responding to the appeal of the Pope, have assembled at Vienna. Among the number are the cardinal archbishops of Prague, Salzburg, and Lemberg, with the bishops of Gratz, Marburg, Brixen, and Gurk. They boldly maintain that the concordat is in full vigor, the Holy Father not having consented to its abolition.

The lower house of the Reichsrath have responded to this declaration by choosing a commission on the electoral laws, of whom 13 are liberals and 8 clericals.

In the house of lords the Bishops Wiery, Faverger, and Gassel defended the concordat in the spirit of the episcopal declaration on the subject, and were responded to by the Count Potocki, Count Falkenstein, Count Trautmannsdorff, and Count Rechberg.

The controversy has undoubtedly excited much feeling, and while the success of the ministry, after the general debate, has led to the remark that Austria has definitively repudiated the principles of the syllabus, it would not be surprising if, in an empire so peculiarly Catholic and with the countenance of some members of the imperial family who are said to continue to exhibit for the ultramontanes an active sympathy akin to that attributed to the late empress mother, the Archduchess Sophia, some pause or even temporary re-action should be obtained by episcopal efforts.

In a pamphlet by the Prince Bishop of Seckau, Doctor Swerger, which is described as "inflammatory," there is a distinct denial of the right of the state to deal with ecclesiastical matters, except by consultation with the Holy See. It is announced that, if the proposed laws should be enacted, Catholics will be absolved from all obligations to obey them; and with a reference to Prussia, it is added that the duty of resistance is the more imperative in Austria, where Catholics cannot plead the excuse of being in minority. "Here we are in the majority."

Whether the ministry have foreseen the full extent of the opposition they have met, and are still to meet, I do not know; but they have exhibited great caution in the preparation of the bills, and are thought to have shown thus far uncommon tact and skill in their presentation.

Herr von Streymayer, whom I remember to have heard charged with Ultramontane tendencies, said to me a few weeks since:

You will not find our confessional laws all that they ought to be, or all that we would like to make them; but you will, I think, see a gradual and steady advance; and that is the only way we can advance in Austria.

The last movement in the matter was one touching the Jesuit seminary at Innsbruck, where the Reichsrath has continued the annual stipend, to the satisfaction of the clerical party and the discontent of the liberal Viennese press. The tone of the last pronunciamiento of the bishops is perhaps more moderate, and it seems to be thought that there will be a diminished opposition on the part of the clericals to the completion of the confessional bills.

The tone of some of the liberal journals is decided, and their language not wanting in frankness. "To-day," says the New Free Press, "there

is one, kindred in spirit to St. Thomas and Anselmus, of Canterbury, sitting in the chair of St. Peter. Pius IX will have the strife with the modern state as those men engaged in a contest with the awakened English constitution. And he hates the modern state from the bottom of his soul, because it preserves the blessings of civilization, liberty, and law against the assaults of the Roman priesthood." * * *

I append a translation of two articles on the subject, the one from the *National Zeitung*, of Berlin, the other from *Le Monde*, of Paris, opposing the "*Journal des Débats*." * * *

I have, &c.,

JOHN JAY.

[Inclosure 1 in No. 721.—Translation.]

The Pope and the Austrian church bills.

NATIONAL ZEITUNG, BERLIN, March 21.

We strongly recommend all French and Italian censurers of our church laws not to lose sight of the Pope's letter to the Austrian bishops. In France and Italy people are fond of ascribing the Prussian or German "persecution of the church" to protestant intolerance. In this the Pope, as he has so often done, comes to our aid. It will be known in France as well as in Italy, that there are but few protestants in Austria; but the Pope now says:

"Compared with the new Prussian laws, those which are about to be discussed in Austria do indeed appear to be more moderate, but in truth they are of the same spirit and character, and prepare the same destruction for the Catholic Church in Austria."

While we thank the Holy Father for this testimony, we will gratefully transcribe another sentence of his, in which with his precious ingenuousness he repeats a doctrine which is now beginning to be regarded as really and seriously the doctrine of the Church. The Pope says once again, that humanity at large is destined to be ruled in all things by Romish priests. His words are:

"As the wonderful power of the ecclesiastical kingdom is derived from Christ himself, and is altogether distinct from and independent of the political power, this kingdom of God upon earth has the rule over the whole of human society, and is ruled by its own laws and rights, and by its own superiors who have to give an account, not to the heads of civic society, but to the chief shepherd, Jesus, by whom they have been appointed." This time the Pope repeats this doctrine with regard to the Austrian government, whose view is that it is for the state to define the boundary between the external and internal affairs of the Church, and to prescribe the domain upon which the Church is free. Of course the bills in question could not have been introduced without the assent of the Emperor Francis Joseph. We therefore miss the usual candor of the Pope, when he describes the Emperor and his house as adherents of the doctrines of the Vatican council. It is even too much to say that in early times the house of Hapsburg always actively supported the apostolic see in the struggle for the Catholic faith. But the rights which are now claimed by the Austrian government for the state were at most times asserted by the emperors of the house of Hapsburg, and were only given up in the concordat of 1855.

In his letter to the Austrian bishops the Pope solemnly protests against the abolition of the concordat, which suited him so well, and agreed so well with the fundamental doctrines of the Church, while, as he says, it provided as well for the safety of souls as for the weal of the state, and thus coincided with the principle that, not only religion, but also the affairs of the state, are subject to the Pope. That the concordat was abolished "on the proposal of the representatives of the Empire" is again only half the truth. The imperial government itself was convinced of the necessity of that step as soon as the council was closed; nay, as soon as it was opened. Now, the Pope urges the bishops—and this is the principal object of his letter of the 7th of March—to resist and disobey the new laws. The people, too, are briefly reminded that they ought rather to obey the doctrines of the Church than the powers of the state, when not acting in harmony with these doctrines; but the bishops are expressly exhorted to enter courageously upon a struggle worthy of their virtue, and not to fall short of their Prussian brethren in courage and determination.

This exciting emanation from the Vatican does not enter into a close examination of the contents or of the separate provisions of these bills. It is incredible how far the empty phraseology of this document goes. It says: "The contemplated squandering of the goods of the Church is so great that it is hardly distinguishable from open plundering."

The civic government will bring these goods into its power, and considers itself entitled to divide them, and to diminish them to such an extent by the imposition of taxes that the miserable possession and enjoyment which will be left to the Church must be described not as an honor, but rather as a jest and as a cloak for injustice." What real foundation is there for such words? The Austrian government, which in reality is extremely moderate on this point, proposes nothing further than to impose taxes on superfluous benefices and the superfluous property of convents. All ecclesiastical persons are to retain the income suited to their rank without diminution, and it is only on superfluous property that a tax, beginning at $\frac{1}{2}$ per cent. and rising with the wealth of the owner, is to be imposed. This tax, however, is not intended, like the ordinary property tax, for the coffers of the state, but the money so raised is to be devoted to the improvement of the incomes of the needy lower clergy, and to the payment of those expenses of public worship which have hitherto been defrayed by the state. The Pope does not appear to observe this application of the money for church purposes; to his economic wisdom it seems a squandering and plundering of the goods of the Church, and even a disgrace to the Church, when the government defrays the necessary Church expenses out of the superfluous property of the Church. This is all the gratitude the government gets for dealing so sparingly with the convents and their enormous possessions.

The Austrian government would have adopted very different measures, if it had followed the example set by all other Catholic countries.

Twenty years ago Cavour provided, in a similar way, for the starving lower clergy in Piedmont. He supported them with the superabundance of the convents, the number of which was so great that the whole country seemed to be a convent. He went further than is now done by the Austrian government, which at that time excited the Pope against him, and abolished some hundreds of those convents which were not engaged with education or any other useful occupation, and applied the proceeds partly in maintaining the lower clergy, who were at that time terribly numerous. Of course Plus IX protested against all this, as usual. He also protested against the abolition of the spiritual courts and against the abolition of the right of asylum and of tithes. Victor Emmanuel and all persons who co-operated in the new laws were excommunicated. But this did no injury to little Piedmont, although at that time courage was required to do battle with the Pope, who had great supporters behind him. Further proceedings of the same kind afterward took place in Piedmont; and in Austria, too, more will be done than is written in the bills now before the Reichstag. Cries from the Vatican will not prevent this, but the war which the Austrian bishops, at the command of the Pope, have begun against the state, will hasten it on.

[Inclosure 2 in No. 721.—Translation.]

LE MONDE, PARIS, *March 24.*

The Journal des Débats regards as inopportune the intervention of the Pope in the religious affairs of Austria. In its opinion it would be better for the Pope not to trouble himself with such things. But that a lay assembly should decree laws on the Catholic religion, and should fix the boundaries between the two powers, appears quite proper to our contemporary. A concordat was annulled by only one of the contracting parties. Was any offer made to the sovereign pontiff to regulate religious affairs by another agreement? No; the secular power declares itself omnipotent. The Pope was, therefore, obliged to protest against such a claim, which, after all, is only the same claim as that raised by the Prussian Empire. To support its thesis the Débats must admit that, in principle, religion belongs to the domain of the state, and, especially, that it is for the state to rule the Catholic Church. That journal goes with the persecuting princes and assemblies. In Italy, Switzerland, and Germany men are banished, imprisoned, and robbed for the cause of Catholicism. The Débats will tell us that this is the fault of the Catholics; why do they not show themselves more obedient to the laws of the state? No doubt, if the Catholics obeyed the laws there would be no more persecutors; but neither would there be any more Catholics, as the object of the law is to destroy the Church. * * * The Empire of Austria is undermined. The unfortunate Francis Joseph retains only a shadow of power. A few more reforms and the Austrian Empire will have its 1789. The idea of offending and irritating twenty-five millions of Catholics in a country with a population of only thirty-five millions is such an act of madness that we must go back to the France of 1793 to find its parallel. The battle of Sadowa was nothing in comparison with the efforts made by ministers and assemblies to demolish what remains of the Empire of Austria.

No. 12.

Mr. Jay to Mr. Fish.

[Extract.]

No. 730.]

AMERICAN LEGATION,
Vienna, April 14, 1874. (Received May 6.)

SIR: On looking over the correspondence of the legation, I find that there have been several cases, only some of which have been hitherto reported to the Department, where the protection of the legation has been claimed by native-born Austrians, who had become naturalized citizens of the United States, and who had been cited to appear for military service, or had reason to believe that they were liable to arrest on that ground.

* * * * *

I feel bound to say that my request to the imperial and royal minister for foreign affairs to direct an examination into the correctness of the statement of facts submitted to them in each case, has been met with prompt attention, that the examining officers appear to have been governed by a desire to interpret the treaty with perfect fairness, and that in two cases of concession made on petition to the Emperor, the parties were not entitled to the concession as a matter of right under the treaty.

I have, &c.,

JOHN JAY.

No. 13.

Mr. Fish to Mr. Jay.

No. 404.]

DEPARTMENT OF STATE,
Washington, April 29, 1874.

SIR: I inclose herewith a copy of a letter of the 27th instant, from Judge Wm. T. Otto, arbitrator on the part of the United States before the American and Spanish Claims Commission, and of its accompanying letter addressed by Baron Lederer to the arbitrators of the two governments, resigning the position of umpire to the said commission.

You are requested to express the regret with which the President learns of the retirement of Baron Lederer from duties for which he has shown such qualification, and the sense of the President of the ability and learning with which the baron has devoted himself to their performance,

You will also request the minister for foreign affairs to be pleased to convey to Baron Lederer the thanks of the President for the valuable services rendered by him in the interest of the two governments represented in the commission.

I am, &c.,

HAMILTON FISH.

[Inclosure in No. 404.]

*Mr. Otto to Mr. Fish.*AMERICAN AND SPANISH COMMISSION,
Washington, April 27, 1874.

SIR: I have the honor to inclose a copy of a letter received from Baron Lederer, resigning his position as umpire to the commission.

I am, &c.,

W. T. OTTO.

[Inclosure to inclosure in No. 404.—Translation.]

Baron Lederer to Messrs. Otto and Potestad, arbitrators.

WASHINGTON, April 24, 1874.

GENTLEMEN: By your communication of May 31, 1871, you were pleased to inform me that the international commission, appointed in pursuance of the stipulations between Spain and the United States of February 11, 1871, had just selected me as an umpire for the settlement of all questions concerning which the members of said commission should fail to agree.

I had the honor to accept this appointment, with the consent of the imperial and royal government, as a proof of confidence on the part of the high contracting parties, and at the same time to refuse the compensation provided for by Article VI of the said convention.

For three years I have devoted myself to the conscientious decision of all the cases which have been presented to me.

I now have the honor to inform you, gentlemen, that I have just been notified by my government that I am shortly to be recalled from my post as minister at Washington, and being on the point of delivering my letters of recall, intending to sail for Europe very soon afterward, it will, in future, be out of my power to continue to hold the appointment with which you have been pleased to honor me.

I therefore deem it my duty to resign my position as umpire in the aforesaid international commission, in order that you may be enabled to proceed, in time, to the choice of my successor, according to Article I of the convention in question.

Returning to you my thanks for the kind support which you have been pleased to give me in the performance of my duties, I avail myself, &c.

LEDERER.

No. 14.

Mr. Delaplaine to Mr. Fish.

No. 741.]

AMERICAN LEGATION,
Vienna, May 8, 1874. (Received May 28.)

SIR: The Austrian Reichsrath was yesterday prorogued, and will probably not again meet before the middle of October next. The session now terminated seems to deserve a memorable place in the parliamentary history of the country, from the important acts passed during its continuance, among which are, since the adoption of the electoral reform, the passage of three of the four confessional bills. With regard to these bills, not only a powerful and determined opposition was successfully overcome, but with unexpected majorities in both houses. These laws have since received the sanction of the Emperor, and thereby any hope or illusion entertained by the ultramontane party as to his possible adverse action has been extinguished and dispelled.

During a reign of twenty-five years' duration, in which heavy and almost crushing trials have been experienced, the Emperor has learned the wishes and the wants of his people, and knows that the measures of the present liberal ministry are imperatively demanded in order to assure the existence of constitutional freedom in his empire, and thereby to advance the general improvement and welfare of his subjects. Accordingly the latest note of the Vatican, the threats of certain ecclesiastical members of the lower house, and the lamentations of the bishops in the upper house, were powerless in influencing his decision.

The new confessional laws invade no personal right; they mingle in no dogmatical dispute, and allow to the Catholic Church full freedom of control over its domestic and actual concerns, while they simply exact from the ecclesiastics obedience and subjection to the laws of the realm.

Herein appears also a laudable distinction in favor of these bills as compared with the latest confessional laws of Prussia, since the former do not invoke or allow civil or police interference upon every slight oc-

casion of complaint, but are founded upon the broad basis of universal and unexceptional toleration, with security of equal rights to all.

In another important measure, which has been under consideration by the Reichsrath, some disappointment has, however, been felt by the community, and more especially with the conduct of the lower house. I refer to the measures for relieving the financial crisis which culminated on the 9th of May last, and which has continued almost unabated during the year since elapsed. It is complained that the plans proposed by the government were well meant, but ineffective, and that even these were received with timidity and hesitation, and not treated with the energy and promptitude which the crisis demanded. It must be, however, satisfactory to acknowledge that in the midst of private detriment and discredit, the public credit has been preserved intact, and by means of a wise economy a near approach has been made to that aim of all sound financial policy, namely, an accordence between the revenues and the expenditures of the government.

It is unquestionably a meritorious result of the constitutional government, that under its rule the financial system of Austria has been consolidated. Various laws have, moreover, been passed favorable in their operation toward increase of the productive labor and resources of the country, and thus materially aiding its financial ability, wherefore a well-assured confidence may be entertained that hereby the losses and detriment sustained so generally in the community through a spirit of excessive speculation will be repaired.

As a further basis to this confidence, may be stated the firm conviction that the period of changes and experiments in the system of government is now forever passed, and that the action and voices of the monarch and of the people have definitely and irrevocably decided in favor of the maintenance of constitutional rights and of national progress as its consequence.

I have, &c.,

J. F. DELAPLAINE.

No. 15.

Mr. Delaplaine to Mr. Fish.

No. 743.]

AMERICAN LEGATION,

Vienna, May 11, 1874. (Received May 28.)

SIR: Certain declarations of the minister of foreign affairs of Austria-Hungary, in regard to the foreign policy of the empire on the 9th instant before the finance committee of the delegations now in session at Buda-Pest, seem to possess sufficient interest and importance as to recommend my communicating them to you.

In the discussion of the budget of the ministry, upon the interpellation of Dr. Schaup, as to the position assumed in view of the provocative expressions of the Vatican, by reason of the recently confessional laws passed in Austria, Count Andrassy replied, that in the matter of the encyclica but a single note had been sent by the ministry for foreign affairs. He regretted that he could not communicate the full text of it. He especially regretted this because he did not believe that any Red Book could give even an approximate, much less a perfectly illustrative picture of the activity of the ministry for foreign affairs, and he therefore considered it the more necessary that the delegation should possess the fullest right to receive the most ample explanations in all questions

affecting the foreign policy, and, indeed, whenever it could in the least manner consistently be done, even to examine the respective documents.

In the present case, however, this could not take place for the special reason that the note formed simply the completion of a private letter which His Majesty had addressed to the Pope. The note was intended to complete the representation of the personal motives which had influenced His Majesty in his decision. A communication of the full text of the note could therefore not take place; but not on account of its contents, which in no respect need to shun daylight, but exclusively on account of its form. The minister sketched thereupon the contents of the note in the following form:

The note has, above all, expressed the view that those persons who had inspired the encyclica were, perhaps, not so much induced by the endeavor to prevent a collision between church and state as rather by the wish to provoke the same. The note had absolutely not brought into question, as was maintained by some, the right of the Pope to communicate his opinion on ecclesiastical matters to the bishops, but it had openly expressed regret that the encyclica, beyond this limit, had declared a condemnatory judgment in matters which were not of a dogmatical nature, but founded in the sovereign legislative right of the state. The government further declares in the note that it, in this, to its regret, so difficult situation, would endeavor to do nothing that could provoke a collision between church and state, but that this would only then be possible, when in contradiction to decisively and absolutely condemnatory judgment of the encyclica, the bishops should be counselled to obey the laws of the state.

In conclusion the note declares that in the event that, contrary to all anticipation, the domestic peace should be so imperilled that the clergy should refuse obedience to the established laws, then the government would consider itself both as well justified as obligated to maintain the right of the state; yet that it further entertained the conviction that it would succeed in fully enforcing the laws.

Upon a further inquiry of the interpellator, whether his excellency was disposed to make communications as to the result of this action on his part, the minister replied that the note was not intended to provoke a response, and that such had not followed; that he possessed no certain basis on which to report the actual results of this action, but that he could not complain, on the contrary, inasmuch as now the matter seemed in a measure to have rested.

A further inquiry of the interpellator, relative to the recent declaration in the English Parliament, and the communications of the Times with respect to the presence of Victor Emmanuel in Berlin, furnished occasion to the minister for certain significant remarks as to the present situation of Europe, in which he discovered nothing that would appear in the least to threaten peace.

To a demand of the delegate, Dr. Gross, that the minister would be pleased to characterize generally the relations of the empire with foreign powers, as also the situation of Europe, Count Andrassy declared that when the inquiry should be so pointed as to ask whether he saw any danger of war probable, then his answer must be absolutely "no;" still for how long a time peace may be considered as certain, on that point he could give no positive assurance, and he, moreover, believed that no man in all Europe now living could say that; yet, this much he might assert, that he knew of no government which to-day intended to disturb the peace; however, there exist undeniably great antagonisms between certain nations; sentiments and interests, which do not permit the consideration of peace as being perfectly assured for a

long time to come. As regards this monarchy, he must offer two assertions: one is, that our position toward other powers when it does not alone maintain peace still as well as in its relations to neighboring governments as also toward other states, this monarchy had materially aided in maintaining peace and would continue to give such aid; the other assertion is, that the means of rendering this action, also effectual in the future, must exist always and only in upholding the power of the monarchy to that degree of vigor that it would be strong enough to maintain peace as long as possible, yet, under all circumstances to sustain its own interests.

An observation of the Delegate Serinzi, that he believed that an inference might be drawn from the remarks of the minister, that the repeated personal interviews of the monarchs offered a significant and satisfactory guarantee of peace, caused a reply from the minister to the effect that this had been the exclusive object of the personal exchange of opinions between the monarchs and their ministers, and he therefore considered it the more unnecessary to deny the various newspaper articles which announced on the occasion of the last interview political compacts for a partition of the East, or for a new direction of foreign policy, inasmuch as the same announcements had been issued on the occasion of the meeting of the three emperors at Berlin; and these announcements had since sunk into disregard and discredit; therefore it seemed manifest that when such widely extended plans or such important alliances against any power had not been planned when the three empires were represented, such must become less probable when only two were represented.

These declarations appear to be received by the community with animated satisfaction, and the comments of the almost universal press of Austria-Hungary have been highly favorable.

I have, &c.,

J. F. DELAPLAINE.

No. 16.

Mr. Delaplaine to Mr. Fish.

No. 748.]

AMERICAN LEGATION,
Vienna, May 25, 1874. (Received June 12.)

SIR: The sessions of the delegations at Buda-Pest closed on the 23d instant.

At its commencement the Hungarian members, in view of the weak and disordered financial condition of that eastern half of the empire, had expressed their determination to insist upon a rigid economy in the grants and upon a great retrenchment in the estimates of the budget, a determination strengthened by a recent calamity, no less than a very general destruction of the vines, with most serious injury to the cereals throughout the country. This was caused by an unseasonable and protracted period of frost following immediately upon several weeks of continued mild weather, which had produced an unusual development.

In consequence a very strong opposition was at first made to the estimates of the minister of war. His demands were, however, for the most part, finally allowed, with the exception of reductions in the extraordinary estimates. To this result contributed in no small degree the remarks of Count Andrassy, which were to this effect: He did not wish to treat the question in a military point of view, inasmuch as the minister of war had already sufficiently developed it. He noticed with

satisfaction that no serious objection had been raised against the demands on their merits or their expediency, but solely upon considerations of the necessary exercise of a wise economy. He reiterated his opinion that there existed great probability of the maintenance and preservation of peace, yet no person could say more than that. The government had reduced the budget as low as it was possible for them to do, but if it was deemed necessary to insist upon further reductions, then these should be made in the extraordinary budget, especially in the construction and armament of fortresses rather than in the ordinary budget, inasmuch as the reductions in the extraordinary budget would appear less dangerous at the present time of peace; but, on the contrary, the interior organization of the army should not be weakened. That Austria-Hungary had now no enemies, still she would have more friends when they would have more confidence in the strength of her army. Power and force obtain friends, and alliances with both are sought and cherished. For this reason it would be unwise to interfere with the existing active service of three years, inasmuch as it is the generally adopted opinion in Europe, that without a service of three consecutive years no army is fitted to enter upon a campaign. It would not be advisable to undertake to prove the contrary.

This reasoning of his excellency, as already said, contributed greatly to influence this satisfactory result for the desired grants for war purposes, in the face of the conviction justly entertained by his countrymen that a system of strict economy and a well-regulated and honest administration alone could preserve the country from financial ruin. The last report of the state of the Hungarian treasury, made by the new minister of finance, Ghyczi, exhibiting a deficit of forty-two millions of florins, had opened the eyes of the most incredulous, and through the powerful eloquence of figures had forced that conviction, especially at a season of financial crisis, with a probability of a deficient harvest, the latter being to Hungary, essentially an agricultural country, the gravest calamity which could befall it.

A *résumé* of this total budget of the expenses of the united government of Austria-Hungary, in pursuance of the decisions adopted by the two delegations, may be desirable. Such total budget for 1875, after deduction of certain receipts, attains the sum of florins 107,418,299, being florins 3,131,078 less than that voted for 1874. To cover this budget are destined the net revenues of the customs, estimated at florins 15,000,000, being florins 2,500,000 less than in 1874, thus leaving a remainder of florins 92,418,299. From this sum is to be deducted two per centum, or florins 1,848,365.98, which falls upon the Hungarian treasury since the incorporation of the military frontier. From this remainder the quota payable by the kingdoms and provinces represented in the Reichsrath amounts to florins 63,399,954. The quota of Hungary amounts to florins 27,170,979.90, to which the increase of the two per centum before mentioned being added will give florins 29,018,345.88.

The president, Gorove, being prevented by illness on the last day of the session, his place was filled by Szorgyenyi, who made a closing speech. He alluded to the sacrifices which the expenses of the united government exacted from the country, but said that the great ends in the ambition of modern nations could only be attained by strong efforts. The security of the empire and of the native country was in debate, and therefore these sacrifices were not shunned, in the hope that posterity might reap the fruits of those sacrifices. The maintenance of universal peace, the desire of giving to the army a perfect organization, which would render it strong and imposing, ready for every eventuality, such had been the guiding and prevailing considerations. As to peace,

that seemed certain for the present at least, not only on the base of those assurances exchanged on the occasions of the visits of the sovereigns, but, above all, in the present direction of foreign affairs, so marked by tact and intelligence, so firm and so sure, which, as all must view with satisfaction, is now intrusted to the hands of a statesman whose name is indissolubly united with the constitutional regeneration of the monarchy, and who, in the difficult department of international affairs, has been able to acquire, in so short a time, universal admiration and approbation.

The new organization of the army is nearly terminated, and it will be possible afterward to establish a normal and fixed budget. In voting the expenses the financial situation has been kept in view, and only upon a conviction of urgent necessity a surplus of expenses has been accorded. If the common expenses have not been reduced, that has occurred from a belief that in so doing those duties would be fulfilled which were imposed by the well-understood interests of the monarchy.

Finally, thanks were offered to the functionaries of the delegations and honorable mention was made of the absent president.

I have, &c.,

J. F. DELAPLAINE.

No. 17.

Mr. Delaplaine to Mr. Fish.

No. 749.]

AMERICAN LEGATION,
Vienna, May 26, 1874. (Received June 12.)

SIR: I have the honor herewith to transmit copy of my note on the occasion of the retirement of Baron Lederer, addressed to the minister for foreign affairs, in pursuance of your instructions. Also copy of a translation of reply to the same, received at the legation this morning.

I have, &c.,

J. F. DELAPLAINE.

[Inclosure 1 in No. 749.]

Mr. Delaplaine to Count Andrassy.

F. O., 269.]

AMERICAN LEGATION,
Vienna, May 16, 1874.

To his Excellency the COUNT ANDRÁSSY,
Imperial and Royal Minister for Foreign Affairs:

The undersigned, chargé d'affaires of the United States of America, has the honor to advise his excellency the Count Andrassy, minister of the imperial house and for foreign affairs, that he has received a communication from the State Department, at Washington, inclosing copy of a letter dated 24th April last, addressed to Messrs. Wm. T. Otto and Luis de Potestad, arbitrators in the American and Spanish Claims Commission, by his excellency the Austro-Hungarian envoy, Baron de Lederer, announcing his excellency's resignation of the position of umpire to that commission.

The undersigned has been instructed by the honorable Mr. Secretary Fish to express to the imperial and royal government the regret with which the President learns of the retirement of Baron Lederer from duties for which he has shown such qualification, and the sense of the President of the ability and learning with which the baron has devoted himself to their performance.

The undersigned has been further instructed to request his excellency the minister for foreign affairs to be pleased to convey to Baron Lederer the thanks of the President for the valuable services rendered by him in the interest of the two governments represented in the commission.

The undersigned avails himself of this occasion to renew to his excellency the Count Andrassy the assurance of his distinguished consideration.

J. F. DELAPLAINE.

[Inclosure 2 in No. 749.—Translation.]

The Imperial and Royal Ministry for Foreign Affairs to Mr. Delaplaine, dated 22d May, 1874.
7016, IV.]

To Mr. DELAPLAINE, *Chargé d'Affaires of the United States of America* :

The imperial and royal ministry of foreign affairs with pleasure hastens to advise Baron Lederer, the former envoy of His Imperial and Royal Apostolic Majesty at Washington, of the highly honorable recognition, by his Excellency the President of the United States of America, of the good services rendered by Baron Lederer as umpire in the American and Spanish Claims Commission.

While it proves a subject of sincere satisfaction to the imperial and royal government to learn that its representative has succeeded in justifying the confidence placed in him through his selection to that charge, the undersigned has the honor to claim the courteous mediation of the chargé d'affaires of the United States for the purpose of communicating to his Government the thanks of the undersigned for the favorable and generous opinion entertained by it which in the note of the chargé d'affaires, of the 16th instant, has been expressed in such complimentary terms.

The undersigned avails himself at the same time of this occasion to renew to the chargé d'affaires the assurance of his highest consideration.

Vienna, 22d May, 1874.

For the minister for foreign affairs,

HOFMANN.

No. 18.

Mr. Delaplaine to Mr. Fish.

No. 767.]

AMERICAN LEGATION,

Vienna, July 17, 1874. (Received August 4.)

SIR : On the first day of the present month an assembly known as the International Sanitary Conference commenced its deliberations at Vienna, under the presidency of Baron Gagern, who, upon his retirement a year ago with pension from a position then held by him in the ministry for foreign affairs, was honored with the rank of imperial and royal privy counselor, and a high decoration of merit was conferred upon him.

In this congress, which has been opened under the ægis and favoring protection of the most powerful and civilized nations, distinguished men of science have met as delegates to ascertain the practicability and determine the organization of measures adapted to check the origin, as well as to arrest the spread, of contagious diseases, especially of the cholera, and, if possible, to destroy in its germ this most destructive pestilence of modern time. The question as to the efficacy or necessity as well as to the duration of quarantines, so important to commercial and maritime nations, will receive ample consideration; and there is reason to believe that the decisions of this hygienic areopagus may be adopted as rules of international guidance, and receive enforcement by civilized powers.

It is gratifying and creditable to the spirit of the present century thus to see a congress convoked; not for political views, but for the attainment and accomplishment of plans and scientific discovery which may tend to the relief of humanity, as also to the advantage of commerce.

It is to be presumed as well as hoped that all their delegates will act in concert, imbued with a common feeling and in a common interest, and thus become entitled to the gratitude of their fellow men, while the laws promulgated will stand an enduring monument of honor to them. The emperor has, moreover, received them with special regard

and favor; and, previously to his departure from Vienna, they were entertained by him at a state dinner in the imperial summer palace at Schönbrunn.

As no communication from the Department upon the subject of this congress has reached the legation, I was unable to answer satisfactorily a recent verbal inquiry of Baron Schwegel, in the ministry for foreign affairs, as to the cause of the absence of a delegate from the United States; and he expressed surprise, inasmuch as he stated that the invitation had been addressed to the American Government in the early part of May, through the Austro-Hungarian envoy at Washington, Baron Lederer, who had reported its acceptance and his belief that an eminent military physician would be appointed such delegate.

I was invited to a reception given last evening to the members of the conference and to the diplomatic corps, by the Baron and Baroness de Gagern; and he, after a similar inquiry, expressed much regret and disappointment, while he added that he still hoped that the American delegate might appear, who could in such case be assured of a warm welcome, although, as the conference would probably terminate its sittings within two weeks hence, at latest, the value of his co-operation and participation in its labors and deliberations would be greatly diminished.

I have, &c.,

J. F. DELAPLAINE.

No. 19.

Mr. Fish to Mr. Delaplaine.

No. 429.]

DEPARTMENT OF STATE,

Washington, August 21, 1874.

SIR: Your dispatch, No. 767, upon the subject of the international sanitary conference held in Vienna, has been received.

It appears by this dispatch that the conference assembled in Vienna upon the 1st of July last; and you state that, as no communication had been received from this Department, you were unable satisfactorily to answer a verbal inquiry of Baron Schwegel as to the cause of the absence of a delegate from the United States, and who expressed his surprise, saying that an invitation had been addressed to this Government in the early part of May, through Baron Lederer, who had reported its acceptance and his belief that an eminent military physician would be appointed a delegate; and that a similar inquiry had been addressed to you by Baron de Gagern, who also expressed regret at the absence of an American representative. The desire of this Government to manifest every appreciation of the courtesy shown by the Austrian government in extending the invitation referred to, and the remarks made to you and detailed in your dispatch, render an explanation proper.

Baron Lederer, the Austrian envoy, first addressed this Department on the question by a note dated the 16th June, and which was received at this Department on the 24th of June. In it he explained the preliminary steps which had been taken by the Austrian government, inclosed a copy of the programme and of the questions to be discussed at the conference, which he stated would be held at Vienna in the month of January, 1875, and informed this Department that his government had instructed him to invite the Government of the United States to send delegates to such conference, and requested information whether this Government was disposed to accept the invitation.

Fully appreciating the invitation, and desirous of favoring the objects set forth in the programme of the conference, this Department, upon July 3d, forwarded a copy of the dispatch of the Austrian minister to the Secretary of War, requesting an expression of his opinion on the matter, as a delegate would more probably be selected from his Department.

Upon the 18th July the Secretary of War addressed his reply to this Department, stating that the objects of the conference made it desirable that this Government should be represented, and approving the recommendation of the Surgeon-General of the Army that Dr. J. J. Woodward, assistant surgeon, United States Army, be designated to represent the United States.

On the 5th of August this Department received information from the Austrian minister that the conference in question had already terminated, and that the sending of a delegate by the United States was not necessary.*

It will be seen, therefore, that this Government had appreciated both the courtesy of the Austrian government and the importance of the conference, and had acted upon the official information which had been received that the conference would meet in January, 1875; and first learned the contrary after the termination of the conference.

You will explain this matter fully to the Austrian government, that no misapprehension may exist from the failure of this Government to send a representative.

I am, &c.,

HAMILTON FISH.

No. 20.

(Circular.)

Mr. Fish to Mr. Jay.

No. 434.]

DEPARTMENT OF STATE,
Washington, September 2, 1874.

SIR: I transmit herewith, for your information, a copy of the instructions mentioned in the subjoined list which have been addressed to John A. Bingham, esq., the minister of the United States in Japan, relating to the subject of co-operative action between the ministers of the United States and those of other western powers in that country.

I also inclose a copy of an instruction of the 26th of August last, No. 409, and of its inclosures, addressed to George F. Seward, esq., the consul-general of the United States at Shanghai; also a copy of an instruction to Mr. Bingham, No. 43, dated the 6th of June last; both being in relation to citizens of the United States connected with the Japanese expedition to Formosa, or who may enter the military or naval service of a foreign power.

I am, &c.,

HAMILTON FISH.

Inclosures :†

1. Mr. Fish to Mr. Bingham, No. 35, April 20, 1874. (Extract.)
2. Mr. Fish to Mr. Bingham, No. 65, August 26, 1874, with an accompaniment.
3. Mr. Fish to Mr. Seward, No. 409, August 26, 1874, with two accompaniments.
4. Mr. Fish to Mr. Bingham, No. 43, June 6, 1874.

* See correspondence with the legation of Austria-Hungary, *infra*.

† For this correspondence see under China and Japan, *infra*.

No. 21.

Mr. Cadwalader to Mr. Jay.

No. 442.]

DEPARTMENT OF STATE,
Washington, October 5, 1874.

SIR: Your dispatch No. 799, bearing date September 16, in reference to the case of one Josef Barts, who has presented a naturalization-certificate to the Austrian authorities as proof of citizenship, and inclosing a copy of the correspondence with the foreign office on the question, is received, and your action, as therein shown, is approved by the Department.

The right to enjoy such privileges as may attach to a citizen of the United States is properly proved by the production of a passport legally issued.

In every case where the action of a diplomatic or consular officer of the United States is invoked, on behalf of a person claiming to be a citizen of the United States, it is incumbent on such officer not only to carefully and zealously guard and protect the rights of all *bona-fide* citizens, but also to carefully abstain from committing this Government to a demand for protection on behalf of a person presenting a false or fraudulent claim to citizenship.

Naturalized citizens who have become such solely to avoid the duties and burdens attached to a residence in and allegiance to their own country, and who have returned to their native country without intention to reside in the United States, or to assume the duties or burdens common to its citizens, who, in other words, are desirous of enjoying all the benefits and immunities common to citizens of each country, and of avoiding all corresponding duties in each, may be held to have forfeited all right to the protection of the United States. Particular instructions will be found on these questions in section 30 of the personal instructions lately issued.

The attention of the Department has also been called, on several occasions, to applications for passports in foreign countries founded on certificates of naturalization which, upon their face, bear conclusive evidence that they have been illegally or fraudulently obtained. In such cases a passport should be refused and the fraudulent certificate forwarded to this Department.

I am, &c.,

JOHN L. CADWALADER,
Acting Secretary.

No. 22.*Baron Lederer to Mr. Fish.*

[Translation.]

LEGATION OF AUSTRIA-HUNGARY,
Washington, March 30, 1874. (Received March 30.)

MR. SECRETARY OF STATE: The imperial and royal government has or some time projected the holding of an international meeting, with a view to ascertaining whether, according to scientific experiments, the quarantine system furnishes sufficient security against the introduction of the cholera, and, if so, what measures might most advantageously be

adopted by the governments there represented for the purpose of arresting the progress of this epidemic.

The recent appearance of the cholera in almost all the countries of Europe has caused this question to become one of great practical importance, and the data furnished by the international congress of physicians which met at Vienna in 1873 will be of great value as a basis for the discussion of the measures best adapted to secure the realization of the project in question.

Before proceeding further, however, the imperial and royal government would be glad to be made acquainted with the views of foreign cabinets on this subject, and has therefore instructed me to bring the matter to your notice, Mr. Secretary of State, begging you, at the same time, to be pleased to inform me whether the Government of the United States is disposed to take part in the above-mentioned discussions.

Be pleased, &c.

LEDERER.

No. 23.

Mr. Fish to Baron Lederer.

DEPARTMENT OF STATE,
Washington, April 30, 1874.

SIR: I have the honor to acknowledge the receipt of your note of the 30th ultimo, informing me that your government has it in contemplation to invite an international meeting, with a view to ascertain whether, according to scientific experiments, the quarantine system furnishes sufficient security against the introduction of cholera, and what measures may be most advantageously adopted to arrest the progress of this epidemic; and asking whether the United States would be disposed to take part in such discussions.

In reply, I beg you, Mr. Minister, to convey to your government the President's acknowledgment of their courtesy in this matter, and to say that this Government will be disposed to take part in such discussions should the proposed international meeting take place, and will in that event probably be represented by a representative from the office of the Surgeon-General of the Army of the United States.

Accept, &c.

HAMILTON FISH.

No. 24.

Baron Lederer to Mr. Fish.

[Translation.]

LEGATION OF AUSTRIA-HUNGARY,
Washington, D. C., June 16, 1874. (Received June 24.)

MR. SECRETARY OF STATE: The desire has now been manifested for some time, and in various quarters, again to examine the question where and under what conditions certain epidemics arise and spread, which, like the Asiatic cholera, have not ceased for several years past to deso

late the world by their ravages and to impede by their perturbations the development of international relations. Importance has been attached in this connection to the necessity of generally adopting the most suitable remedies, in order to preserve mankind from the attacks of this scourge and of making known new preventive measures which are recommended by experience. The need has been felt at the same time of the adoption by the countries interested of obligatory arrangements, having for their object the introduction of perfect conformity in the measures to be taken in order to guard against this common danger; the need has also been felt of concentrating and thereby strengthening the means of guarding against the inroads of these maladies and of removing not only the confusion which has gradually invaded the domain of the hygienic principles which prevail in regard to these epidemics, and to the barriers which are erected against them, but also their causes, which but too often create disturbances in commercial transactions.

The continual development of commercial relations among the different countries, and the variety of means of communication whereby commerce is carried on, daily prove the advantage, the utility, nay, even the necessity of adopting identical rules for the government of these relations, and of sanctioning the same by international conventions. Long experience shows the advantage of such arrangements. If the free exercise of territorial sovereignty is in a manner restricted by conventions of this kind, it cannot be doubted that the advantage which each country will derive therefrom will be far more than sufficient to counterbalance this inconvenience, which is only apparent. Practice shows, moreover, the great disadvantages which result, for instance, in the domain of public hygiene, from the divergence of the principles according to which it is sought to arrest, in the various countries, the general epidemics which are propagated from one country to another, under the tutelage, so to speak, of these principles. This truth has, since 1866, been recognized by the governments which were represented at the international sanitary conference held at Constantinople, to which were assigned for examination questions similar to those which the imperial and royal government proposes to solve, an object analogous to that which the said government desires to attain. Men of science, of high standing and ability, did not hesitate, during the deliberations of said conference, to proclaim the very views which the imperial and royal government now seeks to promote. The conclusions reached by that conference were highly valuable, and possess perhaps but one defect, that of never having been put into practice. The point then, is to-day, in this order of ideas, to revise, to a certain extent at least, the deliberations held and the decisions reached at Constantinople, to verify and complete them by the ideas and the experience which have been acquired, and, above all, to secure their enforcement, and to this effect, to provide for an international sanitary convention which shall satisfy all the demands of the present situation, and at which all the countries interested shall be represented.

The imperial and royal government has thought that it ought not to be indifferent to these demands, which have quite recently been urgently renewed, as is shown by the resolutions of the third international medical congress, which met at Vienna last year. Induced by these considerations, it has addressed the powers interested for the purpose of inquiring whether they are disposed to send delegates to an international sanitary conference, to be held at Vienna, for the purpose of deliberating and deciding upon certain questions looking to a reform of the international sanitary service. It has the satisfaction of knowing that the initiative taken by it has been everywhere hailed with lively satisfaction, and

that its proposals have been favorably received by all the governments which it has addressed.

It has thought it to be its duty, under these circumstances, to facilitate the important task which will devolve upon the conference by causing to be prepared, by a special commission, a programme of these future labors, drawing up now, without restricting the liberty of the views and the necessary independence of its members, an outline of the matters to be discussed, and indicating the end which it is proposed to reach. If cognizance be taken of this programme in advance, it will be possible to cause these matters to be carefully studied and to furnish the delegates with precise and sufficiently extended instructions for their subsequent action at the deliberations and at the conclusion of the international arrangements.

Now that these preparatory labors are terminated, in order no longer to delay the realization of so important a project, it only remains for the imperial and royal government officially to invite all the countries interested in this matter to send their delegates, clothed with the necessary full powers, to the international sanitary conference which is to be held at Vienna in the month of January, 1875, and whose duty it will be to deliberate and decide upon the questions contained in the programme. It will, moreover, be the duty of the delegates sent to this conference to decide upon the bases of an arrangement to be concluded on this subject, and to make arrangements for an international sanitary convention designed to regulate the future relations of the countries interested, as regards the various questions discussed at the conference. The ratification of this convention will be reserved for the governments whose delegates shall have taken part in this conference, and the privilege of subsequently acceding thereto, to such countries as may not have taken part in the negotiations. The imperial and royal government is of the opinion that the governments taking part in the conference should be at liberty to appoint any number of delegates that they may see fit, although it maintains the principle that the delegates of each state shall be entitled to cast but one vote.

The imperial and royal government, guided by the views and intentions which I have just set forth, has instructed me to invite the Government of the United States, officially, to send delegates to the aforesaid international conference, and has also instructed me to transmit, with my letter of invitation, the inclosed list of questions which are to be discussed. It entertains the hope that the Government of the United States will be pleased to recognize the importance of the considerations which have induced it to take this step.

I beg you, Mr. Secretary of State, to be pleased to inform me whether the Government of the United States is disposed to send delegates to the sanitary conference in question, and if so, to communicate to me, as soon as possible, the names of such delegates.

I avail myself, &c.

LEDERER.

[Inclosure.]

PROGRAMME OF THE INTERNATIONAL SANITARY CONFERENCE TO BE HELD AT VIENNA

Preliminary questions.

If we refer to the well-known debates of the international sanitary conference held at Constantinople in 1866, it is especially important to examine and answer the following preliminary questions.

1. Is the Asiatic cholera, in the form of an epidemic, spontaneously developed only in the East Indies; and, when it appears in other countries, does it always come from abroad? or has it also an endemic character in other countries than India? If so, which are those countries?
2. Is the Asiatic cholera transmissible by man?
3. Can the cholera be propagated by articles which have been used in an infected place, and especially by such as have belonged to cholera patients?
4. Can it be propagated by articles of food?
5. Can it be introduced by live animals?
6. Or by the transportation of merchandise?
7. Or, finally, by the dead bodies of those who have died of the cholera?
8. Can the cholera be carried to a distance by the atmosphere alone?
9. Does the fresh air, coming from without, and the airing of objects which cause or propagate the cholera, or does the isolation of such objects from the outer air constitute an element having an influence upon the contagious character of the cholera?
10. When there is contagion, what is the duration of the incubation?
11. Are any means of disinfection known by which the generative or contagious principle of the cholera may surely, or with any chance of success, be destroyed, or deprived of any of its intensity? If so, what are these means?

Questions in regard to quarantine measures in time of cholera.

12. Should quarantine establishments be built on land for the purpose of preventing the propagation of cholera?
13. If so,
 - a, where should they be located?
 - b, when and under what conditions should such buildings be erected?
 - c, what would be the conditions to be fulfilled as regards buildings and administrative organization?
 - d, how and by what means is it possible to prevent the introduction of the disease through some channel other than those guarded by quarantine establishments?
14. Should quarantine establishments to prevent the introduction of cholera be also built upon the banks of rivers?
15. If so, (as in § 13.)
16. Should maritime quarantine establishments be built? Should those already built still be used?
17. If such should be the case, (as in § 13.)
18. What are the principles that should be adopted toward persons—
 - a, in order to admit them at once to free intercourse with persons on shore?
 - b, to subject them to a quarantine of observation?
 - c, or to a rigorous quarantine, (lazaretto quarantine establishments?)
19. What should be, for persons in health, (passengers, seamen, &c.,) the duration—
 - a, of the quarantine of observation; and,
 - b, of the rigorous quarantine, properly so called? what is the length of the stay at the lazaretto for persons sick with the cholera?
20. Under what conditions and in what measure should the duration of the voyage of a vessel be included in the time fixed for the quarantine?
21. What are the principles to be observed in regard—
 - a, to articles which serve for the use of persons?
 - b, to live animals?
 - c, to merchandise?
 - d, to articles of food?
 - e, to vessels, cars, vehicles, &c., as regards their admission without having been disinfected or after this has been done?
22. In what consists the disinfection—
 - a, of persons?
 - b, of articles used by them?
 - c, of live animals?
 - d, of merchandise?
 - e, of vessels, cars, vehicles, &c.?
 (Means, method, and duration of application.)

Questions relating to the appointment of an international commission to combat epidemics.

23. Should international sanitary boards, (póstes,) both permanent and temporary, whose duty it should be to study the subject of epidemics, and to endeavor to discover means to prevent their propagation, be established for all kinds of epidemics, or only for particular kinds, and, in the latter case, for which?
24. If the answer be affirmative—
 - a, where shall these sanitary boards be established?

b, how shall they be organized? what persons shall compose them? in what shall the localities consist? what shall be the scientific resources? what salaries shall be paid? how shall the necessary funds be procured?

c, who shall appoint the members of these boards?

d, what authorities shall have jurisdiction over them?

e, according to what principles and by whom shall their instructions be prepared?

25. Should an international sanitary commission, permanent or temporary, whose duty it should be to study the subject of epidemics and to endeavor to discover means to prevent their propagation, be appointed for all kinds of epidemics, or only for particular kinds, and, in the latter case, for which?

Should this commission have, at the same time, to decide certain questions relating to international quarantine in given cases; and, if so, in what cases?

26. If the answer be affirmative—

a, where should this commission sit?

b, what should be its organization? what persons should compose it? what establishments should it have? what should be its scientific resources? what salary should its members receive? how should the necessary funds be procured?

c, who should appoint the members, and who should select the other persons to be attached to the commission?

d, what should be the official position of this commission, and what its sphere of action?

Questions relative to quarantine regulations to be adopted against epidemics, other than the cholera, which may prevail among mankind.

It is reserved for the international sanitary conference to discuss, in addition to quarantine regulations to be adopted against the cholera, such as it may think proper for the prevention of other epidemics which may prevail among mankind.

No. 25.

Baron Lederer to Mr. Fish.

[Translation.]

NEW YORK, *August 5, 1874.* (Received Aug. 7.)

MR. SECRETARY OF STATE: In order to prevent any misunderstanding, I have the honor to inform you, Mr. Secretary of State, that the international quarantine conference, to which my communication of June 16 had reference, has just terminated its sessions, and that the sending of a delegate to represent the United States will thus be unnecessary.

Be pleased, &c.

LEDERER.

BARBARY STATES.

MOROCCO.

No. 26.

Mr. Mathews to Mr. Fish.

No. 110.] CONSULATE OF THE UNITED STATES OF AMERICA,
Tangier, September 17, 1873. (Received October 13.)

SIR: I beg to announce the death of His Majesty Sidi Mohamed, Sultan of Morocco, which event took place about noon on the 11th instant, at his second capital, the city of Morocco. The deceased Em-

peror was born in 1803, and succeeded to the throne on the death of his father, Mulay Abderrahman Ben Hisham, in 1859, the dynasty having ruled over the empire of Morocco since the deposition of the Meronites in 1516. The eldest son of the late monarch, Mulay Hassan, whose age is thirty-six years, was at once proclaimed Sultan at the city of Morocco, without opposition, being the will and request of the late Sultan; but there is at the present moment some doubt whether the Fez and Mequinez people, who are supposed to be in favor of Mulay Ismael, (second son of the late Emperor, and at present viceroy of Fez, the first capital of the empire,) and also of Mulay El Abbas, brother of the late Sultan, who commanded the Moorish armies in their war against the Spaniards in 1859-'60, will support the choice made at the second capital. According to Mohammedan law, Mulay El Abbas is the rightful heir to the throne. If they do not, serious disturbance may be expected, as already there are rumors to this effect. Naturally, in a barbarous and uncivilized country like Morocco, such an important event as the death of the Emperor cannot be expected to pass off without some disturbances; villages, markets, and even towns may be pillaged, roads may be rendered unsafe for ordinary travelers, and there is already a temporary check to business, and in the interior they have refused already in some towns to pay gate-duties. On the occasion of the deaths of former Sultans even the seaports have been attacked by the Kabyles, and on the death of the late Sultan's father the seaport of Masagaw was attacked by the Arabs.

A joint appeal has been made to the pacha of this province by the representatives of foreign nations residing in Tangier, to remind him of the responsibility which rests upon him in case the neighboring Kabyles should attempt to attack this town, where about fifteen hundred of the inhabitants are Christians, subjects and citizens of foreign nations.

The pacha has already armed about four hundred Riffiaas and Moors of confidence with as many flint-lock muskets, and has distributed in patrols outside the city walls to prevent a surprise, and arrest any disturbers of the peace; he had adopted terrible measures against robbers. Yesterday an Arab who stole a sheep was chained and tied to a donkey and flogged on his bare back through the streets of Tangier, the culprit at the same time being forced to repeat in a loud voice the nature of the crime for which he was so severely chastised; and this morning a mountaineer was tied with a rope around his neck and dragged through the streets to jail, where the soldiers plunged him more dead than alive. These awful punishments no doubt keep in check the turbulent inclination of these wild tribes.

The British, French, Italian, and Spanish representatives have already written to their respective admirals and governments for men-of-war to make their appearance at the various ports of Morocco, and already a British and a Spanish gunboat arrived here yesterday on their way to the western coast. As for Tangier, I believe that if the mountaineers have the audacity to attack the town, we will be able to give them a warm reception.

Several Christian families have already, for fear, embarked for Gibraltar.

I am, &c.,

FELIX A. MATHEWS.

No. 27.

Mr. Mathews to Mr. Fish.

No. 122.] CONSULATE OF THE UNITED STATES OF AMERICA,
Tangier, January 17, 1874. (Received March 9.)

SIR: I have the honor to transmit herewith the translation of a letter addressed to me by the Moorish minister of foreign affairs, (inclosure No. 1,) in which he announces to me that the son of the late Emperor, Mulay Hassan, has been proclaimed Sultan of Morocco, and that His Majesty has been pleased to retain him in his cabinet, holding the same position as he held under the late Sultan.

I have, &c.,

FELIX A. MATHEWS.

[Inclosure—Translation.]

Mohamed Bargash to Mr. Mathews.

Praise be to God!

To our dear friend the intelligent gentleman and protector, the representative of America, Felix A. Mathews, esq.:

We always inquire for your health and pray to God for your welfare.

You are aware that when His late Majesty Sidi Mohamed died, and whom God may have in his glory, his ministers and members of his council met and proclaimed for Emperor His Majesty Mulay Hassan, whom God may assist and exalt on his throne.

His Majesty is now proclaimed and has been well received at Rabat, where His Majesty and his court are now sojourning.

The reason that I did not communicate this to you before has been that I did not see His Majesty until lately.

His Majesty has been graciously pleased to confirm me in the position I have had the honor to hold for his father, and which I now communicate to you for your information and government, and as I know you as a loyal friend, I have no doubt you will rejoice at my continuing in office as hitherto, as we always do rejoice in your friendship and acquaintance, and peace.

The servant of the throne elevated by God, Mohamed Bargash, Rabat, 13, Showal 1290, corresponding to 24th December, 1873.

P. S.—The Sultan is about leaving Rabat for Mequinez, to settle his affairs. May God assist him.

No. 28.

Mr. Mathews to Mr. Fish.

No. 125.] CONSULATE OF THE UNITED STATES OF AMERICA,
Tangier, February 11, 1874. (Received March 11.)

SIR: Your dispatches Nos. 59 and 60 have been duly received.

Affairs in the interior of Morocco are as yet rather unsettled. In the province of El Garb, which lies between this and Fez, murders and robberies have been committed.

Intelligence has been received from Fez that the Sultan has promised to discontinue the imposition of tolls, or gate-taxes, on animals carrying merchandise, produce, &c. This news has given great satisfaction to the native population, especially at Fez, where a spirit of serious disaffection had been evinced in consequence of these taxes. Foreign traders interested in the trade of Morocco will also be much gratified to learn that this objectionable and injurious tax will be removed. It has been a sub-

ject of strong remonstrance on the part of the foreign representatives, and the removal of the tax has been unceasingly urged by them upon the attention of the Moorish government. The Emperor has also been induced to abolish the tax at the advice of His Highness Mulay Abbas, his uncle and father-in-law, who is an enlightened and liberal-minded prince.

At Laraiche it is reported some disturbance had taken place when the news of the Sultan reached that port, in consequence of the contractors, who had bought the monopoly of levying the tax, having declared that they would not relinquish their right of levying it, as they had received a letter from one of the Sultan's ministers directing them to continue to impose it rigorously.

The toll-keepers were stoned by the mob, and the governor was compelled to put them in prison as the sole place of security against the fury of the populace. Serious disturbances had likewise taken place some months ago at Azemor, Sallee, Fez, and Alkasar on account of the continuance of the tax. The government had never attempted to impose this tax at this town, the residence of the foreign representatives.

The Italian corvette "*Principessa Clotilde*" arrived at this port on her way to the western ports of Morocco. The Italian chargé d'affaires, Signor Scovasso, went on board her as far as Rabat.

I am, &c.,

FELIX A. MATHEWS.

No. 29.

Mr. Mathews to Mr. Fish.

No. 139.] CONSULATE OF THE UNITED STATES OF AMERICA,
Tangier, July 9, 1874. (Received August 31.)

SIR: Referring to the last paragraph of my dispatch No. 134, I beg to inform you that on the 26th ultimo the mountaineers of the Tangier district revolted against the newly appointed pasha, (a brother of the late governor of this district.) They descended in force into the plains in the neighborhood of Tangier, and threatened to destroy the crops of the neighborhood of this place, as well as those of the inhabitants who form the militia of the district, unless they joined the mountaineers on demand. They declared that they would not injure Christians or Jews, but that they would prevent, and actually prevented, provisions and other supplies from entering the town, unless the pasha is dismissed.

The chiefs of the insurrection sent messages to all the chiefs of the villages around Tangier declaring that, if any attempt was made to resist their authority, or to support the governor of Tangier, their villages and standing corn would be burned and their cattle carried off. The tribes then were marching in considerable force upon Tangier and a blockade of this city was expected. All necessary precautions have been taken for the protection of foreign citizens and subjects.

On the 29th the chiefs of the insurrection entered Tangier under a guarantee of safe-conduct given through the foreign representatives; a conference was had and they submitted their grievances to the Moorish minister for foreign affairs, who has engaged to forward them to the Sultan.

On the following morning the usual supplies were brought in from the neighborhood, and the Loko was well stocked with cattle and other country produce. Order at present is restored and Tangier is perfectly

quiet; provisions are allowed to pass freely into the town, but the affair is not yet over.

The newly appointed Spanish envoy extraordinary and minister plenipotentiary for Morocco, Don Adolfo Patxot y Achával, arrived at this place on the 3d instant on board the Spanish government steamer Ciudad de Cadiz, and landed at 5 o'clock p. m.

The United States corvette Alaska, Commander Carter, arrived in this harbor on the 17th June, and left this port for Algiers on the 19th.

The British man-of-war steamer "Pigeon" anchored in this port on the 27th ultimo, and on the 30th the Portuguese corvette Bartholomeo Dias also arrived at this port, and last week the Spanish frigate Navas de Tolosa, Italian iron-clad frigate San Martino, and the French steam-sloop Forfait, arrived at this anchorage respectively, and are still in port watching the interests of their respective subjects and citizens.

I have, &c.,

FELIX A. MATHEWS.

No. 30.

Mr. Mathews to Mr. Fish.

No. 142.] CONSULATE OF THE UNITED STATES OF AMERICA,
Tangier, August 24, 1874. (Received September 22.)

SIR: I have the honor to inform you that a meeting of the foreign representatives took place at Tangier on the 21st instant to take into consideration the disturbed state of the province of Tangier. The meeting was held at the residence of the Spanish minister.

Attention was drawn to the state of anarchy which for two months past has existed in this province, the authority of the pasha being practically null outside the walls of the town of Tangier. It was pointed out that the preservation of the public peace for any length of time was most uncertain; that any untoward incident might at any moment occur to disturb it; that crimes and acts of violence had been committed with impunity, and that it was notorious that the pasha had no force at his disposal to put down any insurrectionary movement that may take place. Allusion was also made to the neighboring province of Anjera, which is without governor, and is also far from being in a satisfactory state.

It was unanimously decided that the time had come when some steps should be taken by the foreign representatives to bring the critical state of the country to the notice of the Sultan's government, and with this view it was agreed that an identical note should be presented by each representative to the Moorish minister for foreign affairs. The note was drawn up by Señor Patxot, the Spanish minister, and after undergoing a few slight alterations, was accepted by all the representatives.

I have the honor to inclose herewith a translation of this note, which in concert with the other foreign representatives I have this day addressed to Cid Mohamed Bargash, and I hope it will meet with your approval.

I have, &c.,

FELIX A. MATHEWS.

[Inclosure.—Translation.]

Mr. Mathews to the minister of foreign affairs.

[Extract.]

CONSULATE OF THE UNITED STATES AT TANGIER,
August 24, 1874.

* * * * *

The serious nature of the circumstances which are occurring in this country compels me to call your attention, in a friendly manner, to the unsafe state in which this country has remained for some time past. The Christian powers see with astonishment the repeated and scandalous acts of violence by which the public tranquillity is placed in jeopardy, and the impunity with which crimes and frequent acts of violence are allowed to pass without the authorities of the Sultan's government applying an opportune remedy, a state of things which gives grounds for suspecting a culpable apathy, for whose consequences you will be responsible.

Further patience is impossible in view of the insurrection at present existing in this province, and people are grieved to see that the authorities do nothing to terminate this dangerous state of things, which is a constant menace to the public peace.

It is necessary that an end be put immediately to this state of things. I therefore request that you lose no time in bringing this letter to the notice of his sheriffian majesty, in which I protest against the state of anarchy in which this country is left, and I request, in the name of my government, that you apply a prompt remedy to this deplorable state of things, which no nation can any longer see or accept with indifference. It is necessary that without any loss of time you take measures to cause your authorities to be respected and obeyed, aiding them for this purpose with sufficient force and means, or else that you change them for others who have the power to govern. And know that I render you responsible for all harm and prejudice that may accrue to the citizens or the interests of the nation which I have the honor to represent. Thus you will avoid endless complications and preserve the friendship and high esteem of all the Christian powers, who have full confidence in the wisdom of His Majesty the Sultan, that he will find a remedy for this lamentable state of things with promptitude and energy.

Peace and friendship.

FELIX A. MATHEWS.

 TRIPOLI.

No. 31.

Mr. Vidal to Mr. Hunter.

[Extract.]

No. 46.]

UNITED STATES CONSULATE,
Tripoli of Barbary, Nov. 6, 1873. (Rec'd Jan. 27, 1874.)

SIR: In answer to my communication No. 26, in regard to the negro slave traffic carried on between Tripoli and Constantinople, via Malta, I had the honor to receive from the Department dispatch No. 22, by which I was informed that "the specifications mentioned in the paper are scarcely sufficient to warrant a definitive opinion upon the subject. You will consequently furnish the Department with any other facts in regard to it which you may have or may obtain." From the moment that dispatch came to my hands I thought it my duty to endeavor to place the Department in possession of more satisfactory information relative to that trade. I took measures accordingly.

* * * * *

For that purpose I engaged as one of my household servants, Mejbura, a negro woman who can speak, besides her own vernacular, the Arabic language, the Turkish tongue, and the Bernoo idiom. Knowing perfectly

well that on board the steamers plying between this place and Malta, it is but with the greatest difficulty that a man can talk to a Mussulman woman, under the most favorable circumstances, I judged it better to send Mejbura to Malta, so that she could, during the voyage, have an opportunity to inform those among the black passengers who were slaves that on the moment of their arrival in Malta they could be free if they so chose.

I decided at the same time that Lueschi, the intelligent and devoted janissary of the consulate, who can speak good or bad Arabic, English, French, Greek, Italian, Maltese, and Turkish, and who had already been in Malta, should accompany that woman to the island, to act as her protector and interpreter.

* * * * *

I sent them off on the 7th of August last by the Ottoman steamer *Trabulus Gharb*.

My inclosure No. 1, which is a translation of the statements made under oath on the 16th of August by Lueschi and Mejbura, immediately after they were back at this port, will show the Department that they would have succeeded in their undertaking had it not been for the indifference exhibited in that case by the Ottoman consul at Malta, as well as the unwarrantable interference of the brother of the Tunisian consul, who is in no way an official person, and had no business to meddle with the case, and more than all the scandalous and very extraordinary partiality shown by the Malta police in favor of those passengers engaged in the unlawful traffic.

It will be sufficient to call the Department's attention to the following facts mentioned in Lueschi's paper :

There were fifteen or sixteen black women on board the steamer, eight of whom were examined before they landed. However, seven hours later, when the examination was resumed on shore, there were but twelve negroes present, among whom are to be counted the eight women already examined. What had become of the four other ones? They were probably poor creatures who, having decided to claim their liberty in spite of the threats and promises of their mistresses, were prudently withheld from the police's eyes.

The inn where the examination was resumed is the general resort of Mussulman people in Malta, and most of the time one is sure to find there eastern travelers with their servants. Who can know whether the four negroes who were examined there were the same ones who were on board the *Trabulus Gharb*, or servants of other guests, borrowed to play a part in that criminal farce?

The Department will please notice the strange proceeding of the Malta police-officer. As long as the negroes would declare that they were not slaves, he was satisfied with that answer; but the moment one of them stated that she was a slave and would rather die than go along with her mistress, he stopped the examination and left the unfortunate being for seven long hours among her mistresses, instead of rescuing her at once and taking her ashore. What right had he to prevent that negro from landing the very minute she wanted to leave?

* * * * *

It was my intention to make another trial, with the hope I would have better luck next time. However, I soon found a solace to my disappointment in the knowledge that I had so far succeeded in being the instrument to prevent, at least for a time, the exportation of more slaves. For the Pasha Governor of this regency, and probably some gentlemen in the Constantinople foreign office were led to suspect, when they were

informed by the Ottoman consul of what had just occurred in Malta, that Lueschi and Mejbura were sent by me to the island to act as my emissaries. By his long connection with the United States consulate, Lueschi is well known in that island as well as here; and during the examination at the hotel, those among the Osmanli ladies who were most excited against him attempted several times to shame him into silence by calling him a Roomee, (Christian,) an epithet as much insulting to a Mussulman as that of Jew would be when applied to a Christian witness in one of our court-houses.

The Ottoman officials were fairly frightened, lest I would succeed, at a future time, in fastening guilt on them all. Therefore, on the 21st of October last, when instructions from Constantinople had time to be received, Sahmi Pasha, governor-general of this regency, issued an order, herewith inclosed marked No. 2, informing the people and the consuls that measures were taken to punish severely those who would be found engaged in the slave-traffic. I consider that document as a very important one, for it is the official admission from a high Ottoman functionary that the exportation of slaves from Tripoli was heretofore carried on in spite of all treaties and imperial decrees, a fact which I had the honor to denounce to the Department in my dispatch No. 27.

May I be pardoned if I add that, on the other hand, I look also upon those orders as complimentary to me; for do they not show that by my personal exertions alone an odious trade which has been prosecuted for centuries, lately under the very shadow of the British flag, and on British soil, too, has been checked at last?

* * * * *

But the tyrant was killed, at any rate, and the slave-traffic is not in this regency. I know from experience that in these countries all good laws, rules, and ordinances enacted by persons in authority are not intended to be strictly enforced, being promulgated solely because they read well on paper. The very functionaries whose duty it is to see those laws enforced are the very first to break them. There is not, for instance, a high dignitary, let him be general, colonel, cadi, bey, mufti, moodir, mutassariff, who does not, when he sends his family from Tripoli to Constantinople, or any other European or Asiatic province of the empire, improve the opportunity to ship away one or two dozen of negro slave girls.

* * * * *

Wishing to ascertain that the Pasha's orders were respected, for the present at least, I sent Lueschi on the 2d instant once more to Malta, on board the steamer *Vilaïet*.

But it was too soon after the issuing of the orders, and no slaves were that time on board the *Vilaïet*. I was informed that two poor Arabs of this place, who were detected at about that time with slaves in their possession, were sent to jail for a year. As the people here say in their imaged speech, "the smallest donkeys are ridden in preference to larger ones."

* * * * *

I must also add a word to what I said in my dispatch No. 27, explaining how those slaves, once in Malta, will invariably answer that they are free. There is in Soudan, south of Kanou, a country named *El Zendj*, whose inhabitants are anthropophagi. They even file their teeth to make them as sharp as a dog's, in order to be better prepared to eat their prisoners. When the negroes of the other districts are captured by the Fellatahs, to the number of several thousands at a time, those wretched people imagine that they are to be eaten like sheep. Gradu-

ally they see their error; but their Moslem masters tell them that while Mussulmans don't feed on human beings, Christians do. Hence their dread of being left in Malta. The most wretched slave, when asked, *pro forma*, by a Maltese policeman, whose whiskers and manners look ferocious in her estimation, whether she wants to stay in the island, will answer, terror-stricken, "Sidi Stamboul"—the only two Arabic words she knows—that is to say, "Stamboul is my lord, my preference."

I am, &c.,

M. VIDAL,

[Inclosure 1 in No. 46.—Translation.]

Statement by Lueschi.

CONSULATE OF THE UNITED STATES OF AMERICA,
Tripoli of Barbary, August 16, 1873.

I, the undersigned, Mohammed Lueschi, janissary of this consulate of America, declare, and under my oath affirm, that, on the arrival in Malta of the Ottoman steamer *Trabulus Gharb*, (which happened on the 8th instant,) on board of which I was, with other passengers, a marine police-officer of that island came on board, who, employing me as interpreter, commenced to examine one by one the black women who were on the steamer, asking them whether they were free or slaves, and willing to follow their masters. The first seven ones thus examined answered that they were not slaves, but were following their masters of their own accord. The eighth time the question was repeated, a black woman, who had with her a son of about two years of age, answered that she was a slave, and that it was her intention to stay in Malta, in order to be taken back to Tripoli, even should she be cut to pieces for making that statement. Upon that declaration the officer suspended his examination, saying that he was very busy. I immediately made to him the remark that there were yet seven or eight more black women to examine; and he answered, "Do not fear anything; I am going away; but not one of them will go ashore." And so saying, he ordered the captain to allow all white people to land, and he himself went away, leaving on board four policemen. I, too, staid on the vessel, and noticed that the slave who had made the protest was left with her mistress.

In the course of about half an hour came the order to allow the black people to land. I went along with the latter, and, when on shore, we were told that, at about 2½ p. m., the police-adjutant would go to the hotel to proceed with the examination. In the mean time the black woman who had declared she was a slave was put by her mistress in her carriage, with her little son, and other black women, among whom there was one who, from the first time she heard the statement made by the aforesaid slave, had not left her alone for a minute, doing her best to persuade her to take back her declaration. We all put up at the same inn, where we arrived at about 8 a. m.

At about 2½ o'clock p. m. the police-adjutant repaired to that inn, followed by four policemen, and having ordered the black women to be presented to him, twelve only came along; among them I noticed the one who had declared to be a slave, albeit the rich dress she had then on was very different from the wretched cotton sheet in which she was shrouded on board. I and the police people could recognize this one, as well as the seven other ones who were examined on board with their faces unveiled, but no one could say for certain whether the five other ones were the same who were on board, for no one had yet seen their faces.

Along with those black women there were also white Arabic women and five Turkish ones, who had come with us to Malta, and in whose service those black women were. At the examination by the police officer there was present *Mejbura*, a free negro woman, who had come with me to Malta, and who on board had assisted me in examining the negroes, for she can speak their language. Said *Mejbura*, during the examination by the police, was several times shoved back by the mistresses of the negroes—a fact to which I called the attention of the police-adjutant, who declared he was disposed to put a stop to those acts of brutality, but in reality he never did; and the same inertia was maintained when I suggested to divide the negroes from their mistresses, so that the former should feel more independent in giving their answers, for they were all held by the arm by their mistresses.

I called the police's attention to a black woman, an Algerine named *Fatma*, who had then adopted the alias of *Ejshia*; and I informed them that about two months before that woman had passed by Malta, taking along to Constantinople a slave whom she passed off as her own servant, just the same as now she was passing another one for

her servant, although she was too poor to be thus traveling with servants. The adjutant said that truly he remembered to have seen that woman at the time mentioned by me.

The Ottoman consul residing in Malta was, during that examination, in the inn, in a room next to the one where we were, with open doors, so that he could see and hear everything, but he never said a word, either to the police or to any of the negroes.

Mr. John Baptist Farrugia, a brother of the Tunisian consul at Malta, who, according to all reports, has important commercial relations with Sidi Ali El Kerkeni, owner of the steamer *Trabulus Gharb*, was also present at the examination, being all the time among those women. When, by request of the adjutant, I would interrogate a negro, and she would answer that she was not a slave and was willing to follow her mistress, said Mr. Farrugia would say nothing; but every time that, from my own will, I would ask those women to show their certificates, proving they were free and not slaves, then said Farrugia would reprove me, saying that such a thing did not concern me, and that the answer made by the negroes to the adjutant, that they were free and willing to follow their mistresses, was sufficient.

I called also the police's attention to a black sergeant who was accompanying the wife of his colonel, having with him a negro woman and a girl, pretending that one was his wife and the other his daughter, while in reality they were slaves. The sergeant at first maintained his first statement, but at last he confessed that those women were nothing to him.

The police, satisfied with the mere statement made by those negroes, that they were free and willing to follow their mistresses, left the inn, and thus, on the next day, all those people left for Constantinople, on board a large English steamer.

It is evident, in my opinion, that if the police had from the first moment proceeded with their examination, instead of suspending it for six or seven hours, thus leaving the negroes under the influence of promises, caresses, fear, and threats, from the part of their owners, not only that slave would have persisted in her first statement, but there would have been probably others among her companions who would have imitated her example, even among those who had already declared that they were not slaves.

MOHAMMED LUESCHI.

[Inclosure 2 in No. 46—Translation.]

Statement by Mejbura.

CONSULATE OF THE UNITED STATES OF AMERICA,
Tripoli of Barbary, August 16, 1873.

I, the undersigned Mejbura, a free negro woman, without a husband, born in Mecca, declare and under my oath affirm that two weeks ago Lueschi, janissary of this Consulate of America, invited me to follow him to Malta, in order to see whether there were slaves on board the *Trabulus Gharb*. I accepted the proposal, and both of us took passage on board said steamer.

During the journey I noticed that there were about fifteen black women, and one by one I let them know that my persuasion was that they were all slaves. They denied it was so; but I made the remark that if they were free, they would have in their possession the certificate of freedom, while I asked them in vain to show me that document.

One of those women, who was a wet-nurse in the family of the Pasha of Fezzan, and had along with her her own son of about two years of age, confessed that she was a slave, and declared that she was unwilling to follow her masters; but wished to stay in Malta, in order to be sent back to Tripoli, should she even be cut to pieces for making such a declaration.

When we arrived in Malta a police-officer came on board, and after the examination of six or seven of the black women, all of whom declared that they were free and willing to follow their masters, came the turn of the aforesaid black nurse, who frankly answered that she was a slave, and wished to stay in Malta to be sent back to Tripoli.

Upon that declaration the police-officer, though there were about seven other women to examine, concluded his inspection and went away. In the course of about half of an hour all the black people were landed, by virtue of an order, and we all went to the same inn. It was then about 8 o'clock p. m. In that inn the nurse's owners commenced to frighten her, telling her that should she stay in Malta the inhabitants would make a Christian of her, and would give her pork to eat; but, on the other hand, if she consented to go to Constantinople, they would not let her be deprived of anything, and from that moment she was free, and no longer a slave. And thus persuading her, they offered her a rich silk dress, which she put on with marks of contentment.

In the mean time the other slaves would comfort themselves by repeating that, if it

were written in Heaven that they were to be made free in Malta, they would be freed; but if it were written that they were to be liberated in Constantinople, they would be emancipated there; and also, if it were written that they had to live slaves forever, nobody could help it.

Toward half-past two o'clock p. m. the man of the police came to the inn, and began to examine the black women, and this time they all answered that they were not slaves, but willing to follow their masters. During that time I was more than once pushed back by the owners of the slave, as they supposed that my presence might encourage her to tell the truth.

When the police people had withdrawn, and all was made smooth, the owners of that slave began to jostle me in a very rough manner, saying that I had come to Malta expressly to dissuade the black women from following their masters. On the next day all the people left for Constantinople on board an English steamer, without the nurse having ever received the certificate of freedom promised her by her owners.

(Made her mark.) MEJBURA.

Witnesses:

MOHAMMED LUESCHI.

ALI BOURBOULA.

ALI BEN MOHAMMED.

MOHAMMED ISHTENZ. (Made his mark.)

[Inclosure 3 in No. 46.—Translation.]

Sahmi Pasha to Mr. Vidal.

To the chancery of America, to the illustrious Sir, Consul of America:

When the treaty between the Powers, prohibiting the sale of slaves, was concluded on the last day of *Rabié-errel*, of the year 1273,* a firman was decreed, issued by the Seder-Azam, by order of the Sultan, by virtue of which those sales were henceforth and forever forbidden, so that those slaves could not be ill-treated any longer, for they are men as we are. But we were informed that several persons are still engaged in that trade in villages, towns, and in this very city, as well as on the sea-coast. In the late stress of famine there were many such sales of black people, and these suffered very much; and there were even merchants who were engaged in those sales.

That trade is forbidden; and those slaves who come to the persons in authority are manumitted, and great attention is paid to prevent those sales. There are steamers and merchant-vessels, on board of which black people are carried away to other lands. Thanks to the justice and good grace of the Sublime Porte, orders were sent to all sea-ports and cities to *put an end to those sales, and any person detected* in having slaves in his possession shall be punished according to law, (canon,) and the slave shall be taken by force and set at liberty.

An order was given to the governors, as well as to the *sheiks-el-beled*,† *bimbachi* of the *zaptic*,‡ portmasters, and all the officials of the custom-house and the sanitary office to give, according to law, their utmost attention to all merchant-vessels in regard to that exportation.

Any one who shall be negligent, or will not obey those orders, shall be dismissed from office, by the authority of the *Mezle-Idaret-el-Ubeia*,§ so that those orders be executed, and all sea-captains leaving this port be watched.

To that end was written this document, at Tripoli of Barbary, the 28th of Shaban, 1290 the 8th of Jeshrin-errel, 1289.¶

SAHMI PASHA.

No. 32.

Mr. Vidal to Mr. Hunter.

No. 56.] UNITED STATES CONSULATE AT TRIPOLI, BARBARY,
Benghazy, June 30, 1874. (Received August 18.)

SIR: I have the honor to inform the Department that in about four or five weeks more the exploration I alluded to in my dispatch No. 46 will be at an end.

* 28th of November, 1856.

† Sheiks-el-beled—Mayor.

‡ Bimbachi of the *zaptic*—Colonel of the police-corps.

§ Mezle-Idaret-el-Ubeia—Pasha's court.

¶ 21st of October, 1873.

My objects in visiting the eastern section of my consular-district were many, the main ones of which I will very briefly mention, not daring to trust the irresponsible master of an Arab sloop with a dispatch containing important information.

I wanted, in the first place, to study the commercial capabilities of a country with which we have at present no relations, whilst many years ago our exporting trade with Barbary was so important; and, as a consequence, I wanted to ascertain whether it might be necessary to open in Benghazi a consular-agency.

In the second place, it was my desire to see on the spot the workings of the extensive negro slave-traffic, carried from Wadas to Egypt, by way of the *oases* of Augilah and Siwah, and the port of Benghazi.

I will not here allude again to the scheme I have mentioned in previous dispatches in regard to Cyrenaica.

Moreover, that country is studded with ruins of Greek cities, among which explorers sent by the Society of the British Museum and the French government have already found many beautiful articles of *vertu*; and I thought our Government might one day desire to search this old soil for similar relics of Greek art to adorn the new State Department, or the Presidential Mansion, the Capitol, and other public buildings.

Lastly, when, sixty-nine years ago, our flag was triumphantly carried from Egypt to Derna, in this district, it is certain that the Department of State did not entertain any idea of permanent conquest; but its purpose was quite misrepresented in English and French books written on that subject; and it must be acknowledged that, were those allegations founded on truth, the sneering remarks indulged in by some of those historians, on the precipitancy with which the United States representatives signed articles of peace by virtue of which victorious America assumed the obligation to pay a ransom to defeated Barbary, would not be quite undeserved. It was in order to gather materials which might be used by the historian who would undertake the patriotic task to vindicate the policy of the United States Government in regard to that war that I thought I would visit this section of my district.

Shortly after my arrival in Benghazi a sort of pestilential disease broke out in a Bedouin village built on the ruins of the ancient city of Barke. The provincial authorities, quite inexperienced and somewhat frightened, were at a loss to know what measures to take to prevent the spreading of the disease. I was fortunate enough to be of some service to them by assisting them with my advice in the *mezlis*, or *divan*, and volunteering to go to the seat of the scourge and direct the establishment of a *cordon sanitaire*. A surgeon of the French army, whom I found in the village giving his care to the diseased with a truly admirable spirit of abnegation, was attacked by the plague the very day I left the place, and died six days later. As for me, my good fortune made me escape unscathed; and when I came back to town the Pasha was so much pleased with my services, that he graciously informed me it was his intention to request his government to transmit to the Department of State the thanks of the Sublime Porte for what I have done in this province. I am already in receipt of addresses of thanks from the captains of the shipping in this port and the Arab authorities in this city, which documents I will duly transmit.

During my absence from Tripoli the United States consular-office is in charge of my friend Baron E. de Testa, consul-general of the Netherlands.

I am, &c.,

M. VIDAL.

TUNIS.

No. 33.

Mr. Heap to Mr. Hunter.

No. 160.]

CONSULATE OF THE UNITED STATES,
Tunis, October 23, 1873. (Received Nov. 18.)

SIR: I received yesterday a communication from the Bey, informing me of the appointment of General Keredine, late minister of the interior, to the post of prime minister and minister of foreign affairs.

General Keredine is a Circassian by birth. He was brought here as a slave when a child, was educated in the Mahometan faith, and has risen from the humblest station to be the virtual ruler of the regency. This elevation is not unprecedented in this country, for all his predecessors, as near as I can remember, rose from an equally humble origin; the late minister, Sidi Mustafa, was a captive saved from the massacre of Scio in 1822. The rise of Sidi Mustafa to power was rapid, for at the age of twenty-five—thirty-eight years ago—he already occupied an important post, from which he was promoted by Achmet Bey, on his accession to the throne in 1838, to that of kasuadar (treasurer) and prime minister, which he continued to occupy, under many trying and difficult circumstances, to the present time. He is a man of great natural talent and finesse, and urbane and conciliatory in manners. * * He has had the advantage of a liberal education, and through his knowledge of the French language has been able to study European literature, and even to publish several works, mostly on theological subjects, both in Arabic and French.

This revolution—for the change almost amounts to one—was brought about by the pressure of French influence. The late minister, while opposing the encroachments of Europeans in the administration of the internal affairs of the regency, had of late favored the introduction of several useful enterprises, such as railroads, gas-works, mining, works of irrigation, banks, &c., and as these schemes, requiring as they do large outlays, find only in England capitalists disposed to take the risk, they appeared to give a preponderance to British influence. The French government, believing that they would find General Keredine less favorably disposed toward the English, employed a pressure on the Bey which has resulted in this change. The Viscount de Vallat, who has the rank of minister but is accredited as chargé d'affaires, was sent here in September last, and the result of his mission was not long in being seen. If the provisions of the French are correct, this change will be unfortunate for the material interests of the country; for without the aid of foreign capital it will be impossible to develop its latent riches.

The late minister retires with a colossal fortune, variously estimated at from thirty to one hundred millions of francs; but there are already rumors that the Bey's government, under the pretext of public and private claims, will sequester it. Much of his fortune, however, is said to be invested in France and elsewhere; a portion of which is probably beyond the reach of the government.

General Keredine was the slave and son-in-law of Sidi Mustafa, and owes his elevation entirely to him. Having risen in the early part of this Bey's reign to the responsible position of president of the council, he incurred the Bey's displeasure by his dictatorial and overbearing manner, and was dismissed from office. But Sidi Mustafa shielded him from the usual consequences of disgrace in despotic countries, and employed him on several important and delicate missions to Turkey and

different European courts; but he generally lived in retirement and the enjoyment of great wealth until the Bey's aversion wore away, when he was made minister of the interior, a post second only to that of prime minister in power and influence. He is the owner of vast estates in different parts of the regency, and, although he is lavish in his expenditure, has the reputation, rare indeed in this country, of paying punctually every claim against him. * * * *

The Bey will give me audience on the 27th instant; I shall also have an interview with the prime minister, and shall request permission to visit Sidi Mustafa, with whom I have always entertained the most agreeable and friendly relations.

I am, &c.,

G. H. HEAP.

No. 34.

Mr. Heap to Mr. Hunter.

[Extract.]

[No. 162.]

CONSULATE OF THE UNITED STATES,
Tunis, November 10, 1873. (Received Dec. 11.)

SIR: I had the honor to inform the Department on the 23d of October last, [No. 160,] of the appointment of General Keredine as prime minister and minister of foreign affairs, in the place of General Sidi Mustafa Khaznadar.

At an interview with the bey on the 27th of October, I expressed the desire to call on General Sidi Mustafa, to which his highness gave his assent. His consent was necessary, as the late minister is kept under strict surveillance in his palace, which he is not allowed to leave.

Sidi Mustafa seemed very tranquil under this great reverse of fortune, though he must know, better than any one, what dangers surrounded him. He was grateful, he said, for the numerous favors he had received from the bey, and protested that his aim had always been the prosperity of the regency and the honor and welfare of his sovereign; he was old and needed repose, and was thankful that he was allowed to seek it in retirement from office.

* * * *

A few evenings after this visit I returned that of General Keredine, who had called at the American consulate upon his appointment as prime minister. He is familiar with the French language, speaking it fluently and with precision and elegance. * * *

The minister requested me to inform my government that it is his firm intention to devote his best energies to the reform of abuses, the amelioration of the condition of the country, and the maintenance of friendly relations with foreign powers by the respect of treaties and a strict adherence to principles of justice and equity in all his dealings with their subjects, and that he desired above all their friendly co-operation. He spoke eloquently of the abasement and humiliation of Mahometan nations, and although Tunis holds but an humble rank among them, he hoped that when its resources come to be wisely developed and administered, it will contribute no mean quota to the wealth of the world. "We are aware," he said, "of our weakness, surrounded as we are by great and powerful nations, and set the highest value on the sympathy and friendship of your great and generous nation in the efforts we may make for our regeneration." * * *

I am, &c.,

G. H. HEAP.

No. 35.

Mr. Heap to Mr. Hunter.

[Extract.]

No. 167.]

CONSULATE OF THE UNITED STATES,
Tunis, February 26, 1874. (Received March 27.)

SIR: Having received on the 20th instant information from Mr. Spizichino, consular agent at Bizerta, that the men sentenced to the galleys and imprisonment on the 1st of June last for the murder of the dragoman of that agency in December, 1872, were at large, I immediately addressed a letter to the Bey's prime minister, making inquiry into the matter, a copy of which is inclosed.

The next day the minister sent Mr. Conti, a director in the foreign office, to explain that the release of these men was owing to a mistake, and that he would at once order their arrest and re-imprisonment. I requested Mr. Conti to ask the minister to state this in writing, when he informed me that the criminals were secured. Mr. Conti promised that this should be done, but said that it would be some days before the minister could reply to my letter, as, in consequence of a Mohammedan festival, the foreign office would be closed for a week.

* * * * *

Although the minister's explanation is unsatisfactory, as it does not convey the real facts, I shall accept it when I am officially informed in writing that the men are again in custody.

I am, &c.,

G. H. HEAP.

[Inclosure 1 in No. 167.]

*Mr. Heap to General Keredine.*CONSULATE OF THE UNITED STATES,
Tunis, February 20, 1874.

EXCELLENCY: It is my duty to bring to your excellency's knowledge that I am informed that the prisoners, four in number, who were sentenced in June last to various degrees of imprisonment for the assassination of Mohammed Sennen, a dragoman of the consular agency of the United States at Bizerta, are at large.

If my information is correct, I would respectfully ask your excellency to let me know the reasons that have caused His Highness to release these criminals.

I was officially informed on the 1st of June, 1873, by Mr. Conti on the part of His Highness, and so communicated to my Government, that the four men accused of the murder had been tried by His Highness in person and found guilty, and that one was sentenced to the galleys for life, with hard labor, in chains, and the other to imprisonment for life. It is, therefore, a matter of very natural surprise to learn that these men, after an incarceration of a few months, have been set at liberty.

The lively solicitude my Government has already exhibited to obtain reparation for the murder of an officer attached to a consular agency of the United States, will, I hope, convince your excellency that they will receive the news of the release of these criminals with the greatest concern.

I avail, &c.,

G. H. HEAP.

No. 36.

Mr. Heap to Mr. Hunter.

No. 169.]

CONSULATE OF THE UNITED STATES,
Tunis, March 16, 1874. (Received April 10.)

SIR: I have the honor to inform you that in consequence of my demand of the 20th ultimo, repeated more energetically on the 7th

instant, the three murderers of the dragoman of the consular agency at Bizerta, who had been released by the Bey, have been recaptured and placed in jail.

The prime minister sent me an official communication yesterday to that effect.

It appears that the least guilty one of the four criminals, but who is at the same time the poorest, was not released with the others. He was their servant, and is the one who was sentenced to the bastinado and hard labor in chains in the galleys.

3. The minister sent Mr. Conti to me twice to express his regret for the release of these men, which he attributed to a "mistake" in one of the bureaus.

* * * * *

I am, &c.,

G. H. HEAP.

No. 37.

Mr. Heap to Mr. Hunter.

No. 172.]

CONSULATE OF THE UNITED STATES,
Tunis, April 14, 1874. (Received May 6.)

SIR: A few days ago the prime minister stated to me that the Bey had directed him to call the attention of the foreign consuls to the large number of "protections" given by them to his subjects, as he apprehended that if this practice is continued a large portion of the population of the regency will eventually pass under foreign jurisdiction. He seemed to complain principally of the French authorities in Algeria, who give certificates of nationality to Tunisian subjects after a residence of a few days only over the border. I have granted no "protections" to Tunisian subjects, and the minister readily acknowledged that the Bey had no cause for complaint against the American consulate, but that His Highness desired me to bring the matter to the knowledge of my Government, in the hope that it would sustain him in such action as he might find it necessary to take to put an end to this state of things. I informed the minister that the only Tunisian subjects I claimed the right to protect were those actually in my service, or in that of the consular agents.

I am, &c.,

G. H. HEAP.

No. 38.

Mr. Heap to Mr. Hunter.

No. 176.]

CONSULATE OF THE UNITED STATES,
Tunis, June 2, 1874. (Received June 22.)

SIR: A military expedition to the desert, under General Rustem, which started in April last, has given very satisfactory results so far, in quieting disturbances among the Arabs, and reducing many unsubmissive tribes to acknowledge the authority of the Bey, and pay large arrears of taxes. General Rustem, who is the minister of war, is a wise

and just administrator, and his integrity is above suspicion. His personal reputation is a guarantee to the Arabs that they may safely trust to any engagements he may take.

There is a project on foot of introducing the waters of the Mediterranean into the great desert of Sahara through a cutting to be made near Gabes, in the southern part of this regency, by which an inland sea will be created of 350 kilometers in length and 70 to 80 in breadth, with a maximum depth of about 45 meters.

This region was once a gulf with a narrow entrance to the Mediterranean, which it is now proposed to re-open. As late as the beginning of the Christian era there were extensive lakes which have now dried up through evaporation, and the streams which once flowed into them from the spurs of the Atlas range on the north, have ceased to run. It is thought that so large a body of water south of the Atlas Mountains, constantly supplied from the Mediterranean, will modify the climate of that region and that its effects will be felt even as far as Sicily. Several careful surveys have already been made which establish beyond the shadow of a doubt that there exists a considerable depression extending east and west for a distance of over 225 miles, and north and south an average of 50, with a depth of from 0 about 12 miles from the sea, to about 27 fathoms near its western limits. The height of the sand-hills that separate this basin from the Gulf of Gabes is inconsiderable, consisting merely of drift from the sea and the desert, and the whole outlay of the work, including the expropriation of several oases, inhabited by Arabs, which would be submerged, is estimated at \$4,000,000.

I am, &c.,

G. H. HEAP.

BELGIUM.

No. 39.

Mr. Jones to Mr. Fish.

No. 218.]

LEGATION OF THE UNITED STATES,
Brussels, December 28, 1873. (Received Jan. 15, 1874.)

SIR: I have the honor to acknowledge the receipt of your dispatch of the 10th instant, No. 148, and to inclose herewith copy of a bill introduced by the government relative to the transportation of emigrants.

Very respectfully, &c.,

J. R. JONES.

[Inclosure—Translation.]

Bill respecting the transportation of emigrants.

ARTICLE 1. No one shall undertake to engage or transport emigrants without the authorization of the minister of foreign affairs.

ART. 2. Such authorization shall be granted only on the condition that such security be previously furnished as shall serve as a pledge for the fulfillment of the obligations entailed by the contract for transportation, and for the payment, with assignment, of the insurance premium.

ART. 3. Emigration-agents shall cause to be insured, at their own expense, in the interest of the emigrants, the price of the passage and the provisions, all losses and damages which may result from the total or partial execution of the contract for transportation, or else shall place a sum equal to the amount of the insurance in the deposit-fund.

ART. 4. A special government regulation shall regulate:

The conditions of the previous authorization ;
 The cases in which the authorization granted may be withdrawn ;
 The amount of security to be furnished and the manner of furnishing it ;
 The method of inspection and of survey of everything relating to emigration ;
 The management and provisioning of vessels ;
 The amount of space to be reserved for passengers, their reception on board, and their departure ;

The obligations of agencies which have been duly authorized, as likewise those of the captain during the voyage ;

The conditions of the insurance-bond, or the amount of the deposit which may replace it ;

The manner of examining vessels before their departure, which examination shall be substituted, in the case of Belgian vessels, for that which is provided by the commercial code ;

The manner of delivering the certificate showing that the provisions of the laws and regulations have been complied with ;

And, in general, everything relating to the police of emigration.

ART. 5. Any emigrant who may be prevented from sailing by reason of a severe or contagious disease, of which he can furnish proper proof, shall be entitled to have the amount paid for his passage returned.

The passage-money shall likewise be returned to the members of his family in a direct line indefinitely, and in a collateral line to the third degree inclusive, who remain on shore with him.

ART. 6. If the vessel shall not leave the port on the day fixed by the contract, the responsible agency shall be required to pay to each emigrant, for each day's delay, for expenses on shore, an indemnity, the amount of which shall be fixed by the governmental regulation.

If the delay shall exceed ten days, and if, during the interval, the agency shall not have provided for the departure of the emigrant by another vessel, and according to the terms of the contract, the emigrant shall be at liberty to repudiate the contract by a simple declaration before the maritime commissioner, and the passage-money shall be returned to him. This shall not affect the amount which may be allowed to him as damages.

Nevertheless, if the delays shall be caused by *vis major*, and if this shall be proved before the maritime commissioner, the emigrant shall not be at liberty to repudiate the contract, nor to claim the indemnity for his detention on shore, the return of the passage-money, or the damages, provided that he shall have been boarded and lodged at the expense of the agency.

Any stipulation contrary to the provisions of the foregoing, and of the present article, is hereby declared null and void.

ART. 7. The shipper shall be responsible for the conveyance of the emigrant to the place of destination fixed by the contract.

The conveyance shall be direct, save in the case of stipulations to the contrary.

In case of the vessel's making a stay in any port, either voluntarily or of necessity, the emigrants shall be fed and lodged on board, at the expense of the vessel, during the whole of such stay, or they shall be re-imbursed for their expenses on shore.

In case of shipwreck, or of any other accident at sea, which may prevent the vessel from continuing on its course, the shipper shall be required to provide, at his own expense, for the conveyance of the emigrant to the place of destination mentioned in the contract.

ART. 8. In case emigration-agencies shall not have fulfilled their engagements with emigrants, the minister of foreign affairs, or such officer as shall be designated by him, shall proceed to fix the amount of the indemnities and to cause payment thereof to be made ; but an appeal may be made, in case of dispute, to the courts.

ART. 9. Any infraction of the provisions of articles 1 and 3 of this law shall be punishable by a fine of from 50 to 5,000 francs.

Any infraction of the provisions of the governmental regulation which is to be made in pursuance of this law, shall be punishable by a fine of from 26 to 500 francs.

In case of a second offense, the maximum amount of the fine may be doubled.

In case of extenuating circumstances, the fine may be reduced to less than 26 francs ; but it shall in no case be less than the police fine.

ART. 10. Evidence regarding violations of this law may be taken in Belgium by maritime commissioners, and in default thereof, by any police justice ; in foreign ports on board of Belgian vessels, by consuls, assisted by experts if necessary.

Official reports of proceedings shall be considered as evidence until the contrary shall have been proved.

Done at Brussels June 20, 1873.

LEOPOLD.

By the King :

COUNT D'ASPREMONT-LYNDEN,
 Minister of Foreign Affairs.

No. 40.

Mr. Jones to Mr. Fish.

No. 229.]

LEGATION OF THE UNITED STATES,

Brussels, March 18, 1874. (Received April 4.)

SIR: The *Moniteur Belge*, official organ of the government, of yesterday's date, publishes the law recently adopted in regard to extradition, a copy of which I inclose herewith.

I have, &c.,

J. R. JONES.

[Inclosure.—Translation.]

Ministry of justice.—Extradition law.

Leopold II, King of the Belgians, to all to whom these presents shall come, greeting

The chambers have adopted and we sanction the following :

ARTICLE 1. The government may deliver up to the governments of foreign countries, on condition of reciprocity, any foreigner who is under prosecution or accusation, or who has been sentenced by the courts of said countries, as principal or accessory, for one of the acts hereinafter enumerated committed within their territory :

1st. For assassination, poisoning, parricide, infanticide, murder, violation of the person.

2d. For arson.

3d. For counterfeiting of public bills or bank-notes, of public or private bonds; issuing or placing in circulation of such counterfeit bills, notes, or bonds; forgery in documents or in telegraphic dispatches, and use of such counterfeit dispatches, bills, notes, or bonds.

4th. For false coinage, including the counterfeiting and alteration of coins, the issuing and placing in circulation of counterfeit or altered coin, and also frauds in the choice of samples for the verification of the title and weight of coins.

5th. For false testimony, and false declarations of experts or interpreters.

6th. For theft, swindling, peculation, or embezzlement committed by public functionaries.

7th. For fraudulent bankruptcy, and frauds committed in failures.

8th. For association of evil-doers.

9th. For threats to commit such acts of violence against the person or property as subject their perpetrator to the penalty of death, compulsory labor, or reclusion.

10th. For abortion.

11th. For bigamy.

12th. For attempts against individual liberty and the inviolability of the domicile, committed by private persons.

13th. For kidnapping, concealment, withholding, or substitution of an infant.

14th. For exposure or abandonment of an infant.

15th. For kidnapping of minors.

16th. For an attempt against chastity, with violence.

17th. For an attempt against chastity, committed without violence, on the person or by the aid of the person of a child of either sex less than fourteen years of age.

18th. For an offense against good morals by exciting, facilitating, or favoring habitually, in order to gratify the passions of others, lewdness or corruption in minors of either sex.

19th. For blows given or wounds inflicted voluntarily, with premeditation, or having caused an apparently incurable malady, permanent incapacity for personal labor, loss of the full use of an organ, a severe mutilation, or death, although caused unintentionally.

20th. For breach of trust and deception.

21st. For subornation of witnesses, experts, or interpreters.

22d. For false swearing.

23d. For counterfeiting of seals, stamps, punches, and marks, use of counterfeit seals, stamps, punches, and marks, and unlawful use of genuine seals, stamps, punches, and marks.

24th. For bribery of public functionaries.

25th. For destruction of buildings, steam-engines, or telegraphic apparatus, destruction or defacing of tombstones, monuments, objects of art, documents or other papers, destruction or injury of wares, merchandise, or other movable property, and opposition to the execution of public works.

26th. For destruction and devastation of harvests, plants, trees, or grafts.

27th. For destruction of agricultural instruments, destruction or poisoning of cattle or other animals.

28th. For abandonment by a captain, except in the cases provided for by law, of a merchant or fishing vessel.

29th. For running aground, loss, or destruction by the captain or the officers and crew; unlawful appropriation, by the captain of a ship or of a merchant or fishing vessel; throwing overboard or unnecessary destruction of the whole or any part of the cargo, of the stores or appurtenances of the vessel; steering a false course; unnecessary borrowing and pledging as security the vessel itself, or the stores or fixtures thereof, the mortgage or sale of goods or stores, or entry in the accounts of fictitious damages or expenditures; sale of the vessel without special authorization, except in the case of unseaworthiness; discharge of cargo without previous report, except in the case of imminent peril; theft committed on board; adulteration of stores or goods committed on board by the admixture of deleterious substances; attack upon, or forcible and violent resistance to, the captain by more than one-third of the crew; refusal to obey the orders of the captain or officer in command, for the safety of the vessel or cargo, with blows and wounds; plotting against the safety, the liberty or the authority of the captain; seizure of the vessel by the seamen or passengers by fraud or violence toward the captain.

30th. For receiving and concealment of goods obtained by means of any of the crimes or offenses provided for by this law.

The attempt, when punishable according to the penal laws, is included in the foregoing.

ART. 2. Nevertheless, when the crime or the offense giving rise to the demand for extradition shall have been committed outside of the territory of the party making the demand, the government may surrender, on condition of reciprocity, a foreigner who is under prosecution or sentence, in cases in which the Belgian law authorizes prosecution for the same offenses committed outside of the kingdom.

ART. 3. Extradition shall be granted on the production of the original or of an authenticated copy of the sentence or writ of condemnation, or of the order of the council chamber, of the order of the chamber of indictments, or of the writ of criminal procedure, issued by a competent judge, formally decreeing the transfer of the accused to repressive jurisdiction.

It shall likewise be granted on the production of the warrant of arrest, or of any other instrument having the same force, issued by the competent authority in a foreign country, provided such instruments contain a precise statement of the offense for which they were issued, and that they be rendered executory by the council chamber of the court of first instance of the foreigner's place of residence in Belgium, or of the place where he may have been found.

As soon as a foreigner shall have been imprisoned, according to one of the above-mentioned instruments, of the nature of which he shall be duly informed, the government shall receive the opinion of the chamber of indictments of the court of appeals in whose jurisdiction the foreigner shall have been arrested.

The hearing shall be public, unless the foreigner shall request that it may be conducted with closed doors.

The public ministry and the foreigner shall be heard. The latter may enjoy the benefit of counsel.

Within a fortnight after the reception of the documents, they shall be referred, with an opinion for which the grounds shall be stated, to the minister of justice.

ART. 4. Extradition by way of transit across Belgian territory may, nevertheless, be granted without having received the opinion of the chamber of indictments, on the simple production of the original or of an authenticated copy of one of the instruments of procedure mentioned in the foregoing article, when it shall have been requested for a state with which Belgium has a treaty comprising the offense which gives rise to the demand for extradition, and when it shall not be interdicted by article 6 of the law of October 1, 1833, and article 7 of this law.

ART. 5. In an urgent case, a foreigner may be arrested, provisionally, in Belgium for any of the offenses mentioned in article 1, on the exhibition of a warrant of arrest issued by the examining magistrate of his place of residence or of the place where he may be found, and based upon an official notice given to the Belgian authorities by the authorities of the country in which the foreigner shall have been sentenced or prosecuted.

Nevertheless, in such a case, he shall be set at liberty if, within fifteen days from the time of his arrest, when such arrest shall have been made at the request of the government of a country bordering on Belgium, and within three weeks, if at the request of the government of a distant country, no communication is received of the warrant of arrest issued by the competent foreign authorities.

This delay may be extended to three months if the country making the demand for extradition is not in Europe.

After the order of arrest the examining magistrate is authorized to proceed according to the rules prescribed by articles 87 to 90 of the code of criminal examination.

A foreigner may claim provisional liberty in cases in which a Belgian would enjoy such liberty, and on the same conditions. The request shall be submitted to the council chamber.

The council chamber shall likewise decide, after having heard the foreigner, whether it is or is not proper to transmit, either in whole or in part, the papers and other objects seized, to the government making the demand for extradition. It shall order the restoration of the papers and other objects having no direct connection with the offense with which the accused is charged, and, the case arising, shall decide upon the claims of third parties appearing as claimants.

ART. 6. Treaties concluded in virtue of this law shall be published in the *Moniteur*; they cannot be put into execution until after the expiration of ten days from the date of that journal.

ART. 7. Extradition cannot be granted, if, since the commission of the act with which the prisoner stands charged, or since his prosecution or sentence, such a length of time has elapsed that the term of his liability to punishment has, according to the laws of Belgium, expired by limitation.

ART. 8. Articles 2 and 3 of the law of December 30, 1836, concerning the repression of crimes and offenses committed by Belgians in foreign countries, are applicable to the offenses provided for by article 1 of this law.

ART. 9. They are likewise applicable to infractions in rural matters and in matters of forestry and fishing.

ART. 10. A foreigner who, after having committed, outside of the territory of the kingdom, one of the offenses provided for by article 1 of the law of December 30, 1836, and by articles 1 and 9 of this law, shall acquire or recover the character of a Belgian subject, may, if he be in Belgium, be prosecuted, tried, and punished there according to the laws of the kingdom, within the limits fixed by the said law of December 30, 1836.

ART. 11. Letters rogatory, issued by the competent authorities of a foreign country, and requesting either a domiciliary visit or the seizure of the *corpus delicti*, or of objects which will establish the guilt of the accused, can only be executed in Belgium for one of the acts enumerated in article 1 of this law.

Except in the case provided for by article 5, such letters shall first be rendered executory by the council chamber of the tribunal of first instance of the place where the search and seizure are to be made.

The council chamber shall likewise decide whether it is proper to transmit, in whole or in part, the papers and other articles seized to the government making the demand.

It shall order the restoration of the papers or other articles having no direct connection with the offense with which the accused stands charged, and shall decide the case arising upon the claim of any third parties who may appear as claimants.

ART. 12. The law of April 5, 1868, that of June 1, 1870, together with all the provisions of the law of October 1, 1833, with the exception of article 6, are hereby repealed.

The words "according to the laws of April 5, 1868, and of June 1, 1870," shall be stricken out of article 1 of the law of July 17, 1871, in relation to foreigners.

We promulgate this law, and order that the seal of the state be affixed to it, and that it be published in the *Moniteur*.

Done at Brussels, March 15, 1874.

LEOPOLD.

By the King:

T. DE LANTSHEERE,
Minister of Justice.

Sealed with the seal of the state.

T. DE LANTSHEERE,
Minister of Justice.

No. 41.

Mr. Jones to Mr. Fish.

No. 231.]

LEGATION OF THE UNITED STATES,
Brussels, March 22, 1874. (Received April 7.)

SIR: I have the honor to transmit herewith the report of the commission charged with the examination of the question of extradition, as published in the *Moniteur* of this date.

Very respectfully, &c.,

J. R. JONES.

[Inclosure.]

[Session of February 26, 1874.]

EXTRADITION.

Report made on behalf of the Central Section, by M. Wouters.*

[Translation.]

GENTLEMEN: Legislation with regard to extradition, after having long constituted an exceptional branch, entered some years since into the domain of common law.

The onward march of civilization, the wonderful inventions of modern times, and the modifications which have almost everywhere been introduced in penal procedure, are the principal causes to which this state of things is to be attributed.

As nations have extended and multiplied their relations, they have realized the necessity of mutually aiding each other in the repression of offenses against the laws of universal morality and justice.

Belgium has not remained behind in this movement.

The law of 1833 was only of a provisional character, and required numerous improvements. These were made in 1868. We will briefly state what they were:

The number of acts rendering their perpetrator liable to extradition, which were only a few offenses of exceptional gravity, has been extended to all offenses in common law which are provided for and made punishable by the penal laws of civilized nations.

To the sentence of condemnation and the order of the chamber of indictments the law of 1868 assimilated the writ of transfer from the council chamber and the instrument of criminal procedure issued by a competent judge, decreeing formally, or causing, with full authority, the transfer of the party accused to a court of repressive jurisdiction.

The above was not the only modification made in the law.

According to the law of 1833, when the transit of a criminal through Belgium was asked for by a government having an extradition treaty with our country, such passage could only be granted by an observance of all the formalities required for extradition itself. The bill passed by the chambers in 1868 required only the production of the document serving as the basis of the extradition, without requiring in anything else notice from the chamber of indictments.

A no less important provision was introduced by article 4, which, in order to secure the prompt and efficient repression of crimes and offenses, permits the provisional arrest of a foreigner, in an urgent case, on the exhibition of a warrant of arrest issued by the examining magistrate of the place of his residence, or of the place where he may be found, based upon official notice given to the Belgian authorities by the authorities of the territory in which the crime or the offense shall have been committed.

The law of 1868, moreover, rendered applicable to the offenses provided for in the first article, articles 2 and 3 of the law of December 30, 1836, concerning the repression of crimes and offenses committed by Belgians in other countries, and the law of July 7, 1865, concerning foreigners.

Finally, it provided for the publicity of hearings before the chamber of indictments, and granted to foreigners the privilege of defense by counsel.

This reform, which we have thought proper to mention here for the purpose of better fixing the sense of the new provisions, was sanctioned by the almost unanimous vote of the chamber and of the senate, and ratified by the general sentiment of the country.

Several more steps still remain to be taken in this path, and they form the object of the bill submitted to your consideration.

It is to be remarked, this bill leaves previous legislation on the same subject intact in all its essential parts. It merely introduces some improvements, the propriety and utility of which have been demonstrated by experience.

EXAMINATION OF THE SECTIONS.

The 1st, 2d, 3d, 4th, and 5th sections voted for the bill unanimously; in the 6th section it was adopted, three members voting for it and two not voting.

In the third section a member asked if No. 3 of the 1st article of the bill included letters of credit and postage-stamps.

The same member requested the government to explain itself in regard to the generic term *deception*, inserted in No. 20 of article 1st.

In the 6th section, one member, referring to the 3d article of the bill, pointed out several objections to granting extradition on the production of a warrant of arrest. He thought it preferable to leave existing legislation on this point unchanged.

* The central section, presided over by M. Schollaert, was composed of Messrs. Santkin, Lefebvre, Van Iseghem, Pety de Thozée, Wouters, and Biebuyck.

EXAMINATION IN THE CENTRAL SECTION.

The general discussion was opened and closed without observation.

In article first the section instructed its reporter to ask the minister of justice for the explanations desired by the third section.

A member desiring to know why No. 12 of article first is only applicable to attempts against individual liberty, committed by private persons, and should not be applied to the same acts committed by agents of the public authorities, the section decided that a question in this sense should be addressed to the government.

In transmitting to him the replies to these various questions, the minister of justice requested the reporter to remark to the central section that they do not relate to the modifications which it is designed to introduce by the bill into the present law.

The minister said that the chamber would doubtless think, as did the government, that it was important to alter the text of the existing law as little as possible, so as to avoid a troublesome perturbation in jurisprudence and in the interpretation of international conventions.

The minister added that he had, to this end, caused the changes which seemed desirable in the law passed six years previously in relation to the matter under discussion to be printed in italic letters in the bill.

The central section shared this view.

It is important to observe, while on this subject, that the list of offenses provided for in article 1 of the law of 1868 receives no additions by the bill under discussion. In including the receiving of stolen goods and assaults and wounds which have caused serious mutilation the bill only makes good an omission, the cause of which is pointed out in the statement of motives.

It seemed proper expressly to mention complicity and the attempt to commit crime, which, in the practice of courts of appeal, have always been considered as being understood, by implication, in the terms of the law of 1833 and that of 1868, and have been mentioned since the latter date in all treaties made in accordance with that law.

The new article 2, which provides that, when the crime or offense giving rise to a demand for extradition shall have been committed outside of the territory of the party making the demand, the government may deliver up, on condition of reciprocity, a foreigner who is under prosecution, or who has been sentenced, in cases in which the Belgian law authorizes prosecution for the same offenses committed outside of the kingdom, was met with no objection on the part of the central section. That section thought that this provision supplied an important desideratum in the law, and that ample reasons for its existence were given in the statement of motives.

A Belgian might happen to be condemned *in contumaciam* in Belgium for a crime provided for by article 5 of the code of criminal examination, and then might cause scandal by coming to make a parade of his impunity on our frontiers, without fear of being disturbed or delivered up on account of an act committed outside of our territory.

Everybody admits that the law cannot tolerate such a thing.

Nevertheless, in order to prevent certain countries from unduly extending their jurisdiction in foreign countries, and thus removing persons whose extradition is desired by them from the jurisdiction of their natural judges, the bill wisely provides that the government shall not surrender, on condition of reciprocity, a foreigner who is under prosecution or who has been sentenced, save in cases in which the Belgian law authorizes prosecution for the same offenses committed outside of the kingdom. By reason of this restriction, which is formally stated in the law, the measure introduced can present no inconvenience.

With regard to article 3, a member made the same observations that were made in the 6th section.

A warrant of arrest seemed to him to be too summary a document to authorize extradition. He feared that this mode of proceeding might bring about abuses. It was better, he thought, to continue to require a previous examination in a foreign country.

This opinion was not shared by the section.

The measure whose adoption was proposed by the bill seemed to it to be supported by the strongest grounds.

Let us observe in the first place, that it has been adopted in the treaties of all countries successively, save those which have been concluded by Belgium and the Grand Duchy of Luxemburg, and this constant and almost universal practice has given rise to no inconvenience. It is readily seen that the exceptional position in which we are placed in this respect must be damaging to our relations with foreign governments, since it does not permit us to offer a reciprocity founded upon broader bases, such as is generally admitted in the conclusion of international arrangements in relation to extradition.

Considered in itself, the proposed measure offers very great advantages, which we will succinctly examine.

Its first effect will be to exert a decisive influence upon the speediness of the proceedings.

It must be admitted that a preparatory examination in the absence of the party accused, so that he cannot be confronted with his accomplices or with the witnesses, is necessarily incomplete and defective.

Moreover, in the case of an arrest in a foreign country, it being necessary that the decision for the transfer to a competent judge be produced within two months, the examining magistrate must confine himself to an investigation which is too often imperfect and inconclusive as to the facts of the case.

The case runs the risk, therefore, of being delivered over to the hazards of a hearing, without having been either matured or elucidated.

The inconvenience is especially apparent in criminal matters, in which the intervention of the council-chamber is not sufficient, and in which the court must, in its turn, pronounce sentence within the allotted time.

The interest of the accused is here identical with that of the prosecution.

Is it not evident that an examination held in his absence, when he can produce no evidence in his own behalf, must result in an order for the transfer of the accused to a competent court, and that it can have no other effect than to prolong his detention without any benefit to him?

Besides, it frequently happens that the accused asks to be delivered up to justice in his own country without delay, without waiting to go through the formalities of extradition, although he is then obliged to renounce the immunities which are secured to him by law and treaty.

Henceforth this will not be the case; he will be present himself throughout the examination, will choose a defender to aid him in refuting the charges made against him, and that without being deprived of any of the guarantees provided by article 6 of the law of December 1, 1833, which was kept in force by the law of 1868.

Let us not lose sight of the fact that our organic extradition law was enacted that we might conclude treaties with all civilized nations, and not only with countries whose forms of procedure are the same as our own.

In order to obviate the difficulties which might have arisen from the difference in the manner of organization of the repressive tribunals of foreign countries and those of Belgium, the law of 1868 assimilated to the writ of transfer from the council-chamber and to the order of the chamber of indictments the corresponding writ of a foreign criminal court.

It was evidently impossible precisely to define these documents; a rule, which permitted no deviation from it, was that they were to be the last instrument of preparatory procedure transferring the accused to the jurisdiction of his final judges.

But how is it to be determined whether the foreign document possesses this character, and whether no intermediate instrument is to come between the warrant of arrest and the appearance of the accused before the judge who is to punish or acquit him?

What shall we say especially of the English and American warrants? Can we recognize them as really possessing the character which the law requires? What shall we decide as regards the order for *Eröffnung der Untersuchung*, which is a part of the German procedure, the *auto de prison* of the Spanish laws, &c.? These documents daily give rise to difficulties to which the measure proposed by the bill would put an end, and which are now the only obstacle to the conclusion of an extradition treaty with the United States, which country has been the place of refuge for the majority of the great criminals who for some years past have escaped from justice in Belgium. The United States have inscribed in their laws the principle of the presence of the accused at every stage of his examination.

The extradition on a warrant of arrest is, moreover, readily reconcilable with the new provisions of the bill for precautionary detention, which has been viewed with such marked favor by public opinion.

It may even be said that it is the corollary and the necessary condition of the passage of this bill.

For if the legislator steps aside in this matter from the rigor of our penal procedure, if he leaves the accused party, who is presumed to be guilty, provisionally at liberty, this is done with the moral certainty that he will appear to answer the charge made against him. If he abuses the confidence of the examining magistrate by crossing the frontier, he must be restored, as speedily as possible, to his natural judges, without necessity of having recourse to all the formalities of a preparatory examination, the least inconvenience of which is that it is sometimes accompanied with delays which are incompatible with a proper administration of justice.

It is to be remarked that the new guarantees contained in the bill which was introduced on the 20th of January last are to be applicable to a Belgian surrendered by extradition for trial by the courts of his country.

Thus, immediately after his examination, he may communicate with his counsel. (Art. 3.) Thus also, within five days after the examination, the maintenance of the warrant of arrest will be made subject to confirmation by the council-chamber. (Art. 4.)

The case is the same with the guarantees provided in the following articles, the benefits of which cannot be denied him.

And let it not be said that a warrant of arrest is too summary a document, and that it does not permit the chamber of indictments to base its judgment upon sufficient information. This objection would seem more valid if Belgian judges had to decide concerning the guilt of accused parties whose extradition was demanded by foreign governments. This is no part of their duty; all that they have to do is to examine whether the offense with which the accused is charged in the document produced, be it a warrant of arrest, writ of transfer, indictment, or sentence, is provided for and made punishable by our laws, and whether it is among the offenses enumerated in the extradition treaty.

A warrant of arrest not containing these indications would be irregular, and could not be accepted.

Let us observe, finally, that the introduction of this measure in nowise impairs the guarantees provided by the laws of 1833 and 1868.

Thus the warrant of arrest will first be rendered executory by the council-chamber; the session of the chamber of indictments, when the latter is called upon to give its opinion, is to be public, and a foreigner may enjoy the benefit of counsel.

All these guarantees must evidently remove all fear of an arbitrary or exaggerated enforcement of the law.

The provision of article 4 of the bill was adopted by the section without debate.

The framer of the law of 1833 thought little about the transit question, and this is not at all strange; extradition was then considered as a measure of exceptional gravity, principally confined to countries bordering upon each other. Since that time the principle has become general as the relations of nations have become extended, and the number of treaties has been greatly increased.

Of the nineteen conventions which Belgium has with other countries, only four are with countries bordering upon her; in the case of most of the others transit has become a necessity.

It was therefore a necessity that the formalities prescribed by our laws in this matter should be simplified in certain respects.

Transit cannot be considered as a real extradition, nor can a foreigner who thus passes through our country by compulsion be compared to one who comes of his own accord to seek an asylum there under the ægis of its laws.

To prevent his passage through our territory would be opposing a simple measure of execution, without any benefit to the foreigner; it would cause long and costly delays, and would subject our country to inevitable reprisals.

Belgium was therefore deeply interested in the adoption of a mode of procedure which should be free from these difficulties and delays. The law of 1868 provided for such a mode in its third article, and the new bill only supplements that provision.

The proposition to increase from ten to fifteen days the duration of the provisional arrest in the case of a country bordering upon our own, and the authorization to extend this time to three months in the case of countries not in Europe, did not form a subject of discussion in the section; the reasons for this change are given in the statement of motives, and justify it in all points.

A final improvement is introduced in article 12 (new) of the bill. It authorizes compliance with letters rogatory issued by competent authorities in foreign countries, and asking either for a domiciliary visit or the seizure of the *corpus delicti* or documents which can convict the accused, in the case of one of the acts enumerated in the first article of this law.

The need of this improvement had long been felt; the legitimate complaints made in consequence of damage done to commercial and industrial interests rendered it very necessary.

Various requests from our judicial authorities, asking that domiciliary visits and seizures might be made in other countries, have necessarily remained unexecuted on account of the inability of our Government to grant reciprocity when similar requests were addressed to it by those countries.

Our constitution declares that a man's domicile is inviolable, and permits a deviation from this principle only in the cases provided for by the law, and in the form which the law establishes.

No. 4 of article 5 of the law of 1868 authorizes, it is true, the examining magistrate to proceed in accordance with the rules prescribed by articles 87 to 90 of the code of criminal examination, but this article is not applicable in the matter in question, in which it is necessary to proceed to the visit and seizure, independently of any demand for extradition.

It was therefore proper to extend the exception somewhat.

Belgium is interested therein in the same way as foreign powers, for it frequently happens that an accused person takes advantage of the time which precedes his arrest and sends his papers and correspondence across the frontier, such papers being all that can establish the evidence of his guilt and render the examination satisfactory.

In reality, the seizure of embezzled articles or of documents which can convict, is, as remarked in the statement of motives, but a kind of material extradition, which is based upon the same principles as the surrender of the accused.

But, in the same manner as extradition, the execution of letters rogatory requesting domiciliary visits and seizures must be surrounded by strong guarantees, designed to protect the domiciles of Belgian citizens from indiscreet and unwarranted search.

The first of these guarantees should be to restrict the execution of letters rogatory in such matters to those cases in which the law allows extradition to be granted.

There will then be no danger of search in political matters or in matters in which the press is concerned; nor will there be any in fiscal matters and others not specially provided for.

A second guarantee inserted in the bill is the following: Letters rogatory from a foreign country must be rendered executory by the council chamber of the tribunal of first instance of the place where the search and seizure are to be made.

A doubt arose in the central section in regard to the proper interpretation of No. 5 of article 12.

The following is the reply of the minister of justice to the inquiry addressed to him on this subject:

"The provision of the concluding portion of article 12 (bill) can by no means result in investing the council chamber with the right to decide civil suits in cases in which the ownership of articles is claimed by a third party. The functions of the council chamber are in such cases purely conservative. It being its duty only to order the surrender of the articles seized to the foreign government, it has no other right except to refuse such surrender when third parties holding the articles, or others, such as unpaid hotel-keepers or tradesmen, are interested in having the seized articles prevented from crossing the frontier.

"The action of civil justice naturally remains reserved in this case, as in the one provided for in the 6th paragraph of article 5 of the law of 1868. The mention of the third parties appearing as claimants was only inserted in the bill for the purpose of formally enabling them to oppose, before the council chamber, the sending of the articles to a foreign country."

This letter having been read to the section, a member proposed to extend to the 6th paragraph of article 5 of the bill the provision of the concluding portion of the 12th article. This addition to the text of article 5, being recommended by the same considerations as those just stated, was approved.

The bill was passed by the central section, all the members present voting in its favor.

SCHOLLAERT,
Chairman.

ED. WOUTERS,
Reporter.

APPENDIX.

Questions asked by the central section.—1st. Does No. 3 of article 1 of the bill include letters of credit and postage-stamps?

Replies of the minister of justice.—"1st. Article 1, No. 3, of the bill, reproducing the text of the corresponding provision of the law of April 5, 1868, is applicable, as is that provision, to forgeries committed in *letters of credit*, which is evidently comprised in the terms of articles 196 and 197 of the penal code, which are referred to by No. 3, and which provide for the punishment of the crime of forgery and the use of forgeries which have been committed in *commercial papers or blank checks or in private letters*. (See Parliamentary documents, 1867-'68, Appendix to No. 76.)

As to the counterfeiting of postage-stamps, it is comprised not only in No. 3, but also in No. 23 of article 1. The text thereof is identical with that of the law of April 5, 1868, which refers to articles 188 and 189 of the penal code, which provide for the punishment of the crime of counterfeiting postage-stamps and other adhesive stamps, and the use of such counterfeit stamps."

2d. Why does No. 12 of article 1 only apply to attempts against individual liberty committed by private persons, without referring to the same acts committed by the agents of public authority?

"No. 12 of article 1 confines itself in the new law, as in the law of 1868, to attempts against individual liberty committed by private persons, and provided for by articles 434-442 of the penal code, because the same acts committed by agents of the public authority are included among crimes and offenses against the rights guaranteed by the constitution, (Title II, arts. 147 and 148 of the penal code,) and because crimes of this kind might, under certain circumstances, be of a political character."

3d. What is the precise meaning of the word *deception* in No. 20 of the bill?

"3d. The precise meaning of the word *deception* in No. 20 of the bill is determined by the reference made by the law of 1868, same number, to articles 498-501 of the penal code. This word, therefore, includes deception practiced in regard to the identity, nature, origin, and quantity of things sold, as well as the adulteration of articles of food."

Amendment made by the central section:

Art. 5, at the end. "And shall decide the case arising upon the claims of third parties appearing as claimants."

No. 42.

Mr. Fish to Mr. Jones.

No. 176.]

DEPARTMENT OF STATE,
Washington, June 17, 1874.

SIR: I transmit herewith, authenticated under the seal of this Department, a copy of the joint resolution of the Congress of the United States, approved on this date, in regard to the termination of the treaty concluded between the United States and the King of the Belgians on the 17th of July, 1858. The President directs me, in compliance with the seventeenth article of that instrument, and with the requirement of the aforesaid resolution, to instruct you to communicate to His Majesty's government a certified copy of the inclosed papers, and formally to notify His Majesty's government, immediately on the receipt of this, that as it is considered to be no longer for the interest of the United States to continue the said treaty in force, it will terminate and be of no further effect at the expiration of twelve months from the date upon which the notice shall be given.

I am, &c.,

HAMILTON FISH.

[Inclosure.]

JOINT RESOLUTION providing for the termination of the treaty between the United States and His Majesty the King of the Belgians, concluded at Washington, July seventeenth, eighteen hundred and fifty-eight.

Whereas it is provided by the seventeenth article of the treaty between the United States of America on the one part, and His Majesty the King of the Belgians on the other part, concluded at Washington on the seventeenth day of July, anno Domini eighteen hundred and fifty-eight, that "the present treaty shall be in force during ten years from the date of the exchange of the ratifications, and until the expiration of twelve months after either of the high contracting parties shall have announced to the other its intention to terminate the operation thereof, each party reserving to itself the right of making such declaration to the other at the end of the ten years above mentioned, and it is agreed that, after the expiration of the twelve months' prolongation accorded on both sides, this treaty and all its stipulations shall cease to be in force;" and

Whereas it is no longer for the interest of the United States to continue the said treaty in force: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notice be given of the termination of said treaty according to the provisions of the said seventeenth article thereof for such termination, and the President of the United States is hereby authorized to communicate such notice to the government of the kingdom of Belgium.

Approved, June 17, 1874.

No. 43.

Mr. Jones to Mr. Fish.

No. 269.]

LEGATION OF THE UNITED STATES,
Brussels, July 1, 1874. (Received July 15.)

SIR: In accordance with the instructions contained in your dispatch No. 176, of the 17th of June last, I to-day addressed a note to Count d'Aspremont Lynden giving formal notice of the termination of the treaty concluded between the United States and the King of the Belgians on the 17th of July, 1858, and inclosing at the same time a certified copy of the resolution expressing the sense of Congress on that subject, copies of which I inclose herewith.

This note was delivered by me, at noon to-day, to Count Borchgrave, Chef de Cabinet, Count d'Aspremont being absent from the city.

I took occasion to assure Count de Borchgrave that the notice was only given because it had become necessary for my Government to abrogate the fourth and thirteenth articles of the treaty; that these articles in their practical operation, and under the favored-nation clause in the treaties with the Hanseatic republics, work a discrimination against our commercial marine, and in favor of foreign vessels, and are giving considerable trouble; that the United States have no desire to disturb the rest of the treaty, and that should the Belgian government prefer to agree to the abrogation of these articles, leaving the rest of the treaty to stand, I should be authorized to sign a new treaty embracing the other remaining articles.

I have, &c.,

J. R. JONES.

[Inclosure.]

Mr. Jones to Count d'Aspremont Lynden.

LEGATION OF THE UNITED STATES,
Brussels, July 1, 1874.

SIR: Under instructions from the Government of the United States I have the honor to transmit to your excellency a certified copy of a joint resolution of the Congress of the United States, approved by the President on the 17th of June, 1874, in regard to the termination of the treaty concluded between the United States and His Majesty the King of the Belgians on the 17th of July, 1858.

I have the honor to further inform your excellency that I am directed to notify His Majesty's government that as it is considered to be no longer for the interest of the United States to continue the said treaty in force, it will terminate and be of no further effect, as provided by the terms of the instrument, at the expiration of twelve months from the date of the reception by your excellency of this note.

I pray, &c.,

J. R. JONES.

His Excellency COUNT D'ASPREMONT LYNDEN,
Minister of Foreign Affairs, &c., &c., &c.

No. 44.

Mr. Jones to Mr. Fish.

No. 273.]

LEGATION OF THE UNITED STATES,
Brussels, July 7, 1874. (Rec'd July 20.)

SIR: I have the honor to transmit herewith copy of Count d'Aspremont Lynden's letter in regard to the termination of the treaty between the United States and Belgium of July, 1858.

Very respectfully, &c.,

J. R. JONES.

[Inclosure.—Translation.]

Count d'Aspremont Lynden to Mr. Jones.

MINISTRY OF FOREIGN AFFAIRS,
Brussels, July 7, 1874.

SIR: I have the honor to acknowledge the receipt of the letter which you were pleased to address to me, under date of the 1st instant, to give me notice of the resolution

which the Government of the United States has thought fit to take to annul the treaty of commerce and navigation of July 17, 1858.

You are of opinion, sir, that the term of twelve months which is to follow the notification will begin from the day of the reception by my department of the communication of July 1.

The letter referred to reached me on the same day upon which it was sent.

The government of the King concurs with you, sir, that the treaty above mentioned will cease to have effect on July 1, 1875.

I take, &c.,

COUNT D'ASPREMONT LYNDEN.

Mr. RUSSELL JONES, &c., &c., &c., *Brussels.*

BRAZIL.

No. 45.

Mr. Partridge to Mr. Fish.

[Extract.]

No. 97.]

UNITED STATES LEGATION,

(*Petropolis,*) *Rio de Janeiro, February 20, 1873.* (Rec'd March 21.)

SIR: I have the honor to acknowledge receipt of your No. 65 with inclosures, in relation to the estate of William T. Harris, who died at Bahia, January, 1852.

* * * * *

In connection with this case I beg to call the attention of the Department to the condition of estates (of American citizens dying here) under Brazilian administration, in pursuance of their claim of exclusive jurisdiction, and notwithstanding the intervention of United States consuls, claiming under the eleventh article of the treaty of 1828.

That treaty made no express provision for administration by consuls. By the eleventh article, which the legation here (Mr. Wise, Mr. Tod, and Mr. Schenck) has contended was not abrogated by the notice (1841) to terminate other parts, (since that article does not relate to commerce or navigation,) the citizens of each party were allowed the right of succession, whether by testament or *ab intestato*, and might take possession by themselves or others acting for them and dispose of the same, paying only such dues as the inhabitants of the country where the estate was should be subject to pay in like cases.

Under this article, Mr. Schenck, however, claimed the exclusive right of the consul as the proper representative to take possession and administer, and notified the foreign office here (10th January, 1852) that "the United States Government regarded the eleventh article as still in force, not being one of the parts relating to commerce and navigation, and that under it they would insist that the proper representative of any United States citizen dying in Brazil shall succeed, by testament or *ab intestato*, and shall take possession by themselves or agents, including as such their proper consuls, who, by regulations of the United

States, are authorized to act for them, subject only to the conditions and limitations of said article."

The consular convention, referred to in Article XXXII, was never negotiated, and the attempt to renew the treaty, with express power to consuls in such cases, by Mr. Tod, under Mr. Buchanan's direction, failed.

Notwithstanding this, the *juizes de defuntos* have allowed and invited foreign consuls to be present at and take part in the collection of assets and nomination of a curator of such estates; and they have sometimes done this in case, also, of United States citizens, although the ordinance under which the judges acted provided for so doing only in cases of citizens of those countries in which the same right was extended to Brazilian consuls to take possession and administer.

Such invitation was extended (under law of 1845, still in force and noticed further on) in this case of Harris to the United States consul at Bahia, Mr. John S. Gillmer, on the 24th January, 1852, as may be seen by the document relating to this case. (H. R. Ex. Doc. No. 70, 40th Cong., 3d sess., p. 3.) To this invitation Mr. Gillmer (who had already put his seals on the rooms containing the property) answered, that "he did not recognize the jurisdiction of the Brazilian authorities in the premises," and made complaint to the president of the province, and in April to Mr. Schenck here, who informed him (February 24, 1852) that, under the eleventh article of the treaty he claimed *exclusive* right, &c., as above stated; and this, notwithstanding the Brazilian decree (No. 855) of the 8th November, 1851, regulating the rights and privileges of foreign consular agents. A copy of this decree is annexed to Mr. Schenck's No. 14, (November 29, 1851.) Its title is, "Decree regulating the privileges and attributes of foreign consular agents in the empire, and the mode of proceeding to be observed in the collection and administration of the estates of the citizens of their nations, when Brazilian consuls are allowed reciprocity in their countries."

The Brazilian government, then, now claims, since there is no consular convention with the United States (as with those nations mentioned in my No. 65, all of which expire August 20, 1873) granting their consuls the right of administration, and since Brazilian consuls in the United States are not allowed to take possession of and administer the estate of Brazilian subjects dying there, which are administered by the State tribunals exclusively, that the estates of American citizens dying here are, in like manner, subject to administration of the regular Brazilian tribunals, (*Juizo de Orphãos e Ausentes*), and their statement of the discussions with the United States Government here may be found in Pereira Pinto's treatise on the "Treaties of Brazil," &c., (sent to the Department with my No. 12,) and a translation of which is hereto annexed.

If administration of estates in Brazil in these cases (foreigners dying here) were guarded and secured in fact and practice as well as by legal provisions, and if distribution could be secured within a reasonable time, there would be no just cause of complaint. But it is notorious that in these cases (even where the widow and the children of such foreigners are here and ought to control the administration) the assets are consumed in the courts by expenses or withheld without distribution under pretext of want of proof of heirship; and often no account of them can be had. Their condition is set forth, in language that is hardly extravagant, in Mr. Wise's No. 50. And since that time, on almost every occasion when an American citizen has died "intestate

here, leaving assets in Brazil, the same complaint—of refusal to admit the intervention of the consul, appointment of some stranger to the inheritance, but friend of the court, of delay or withholding of account, and of final evaporation of the property—has been made to this legation. The latest case is of the jewels, &c., belonging to the late Mr. Gottschalk, and the estate of Mr. Block.

My predecessors have asked instructions from the Department as to its interpretation of the eleventh article; and, if it is still in force, as to the right under it of our consuls, as representatives, (others for them,) to collect, have possession, and administer. If the eleventh article is no longer in force, still, I think, our consuls may intervene, under the present Brazilian law, (1845,) not to take possession and administer, but to be present and take part in the collection of assets, and may compel an account. At least such is the legal provision here, independent of any treaty or consular convention. The difficulty arises in the attempt to secure a proper execution of this law. Consuls admit that they are notified of the death, invited to be present and take part; but declare that this is only a nominal compliance; that any objection of theirs is unheeded, and the judge names some familiar of his own to be curator and administrator of the assets, which are in many cases never heard of afterwards. As the matter now stands, from uncertainty as to the views of the Department as to the perpetuity and construction of Article XI; from the fact of exclusive jurisdiction asserted and exercised by Brazil; from what, notwithstanding very fair provisions of their law, is really done by their tribunals, delay, waste, and loss are inevitable to the estate of every American citizen dying intestate here.

Fortunately these are not numerous, and our cases are comparatively rare; but there are many French, Spanish, Italian, and Portuguese subjects here, and of the last, especially, an immense number come, remain, and die here. At present, and until 20th August next, the effects of such, under their consular conventions, are taken into possession and distributed by their consuls, exclusive of the Brazilian tribunals; and, if there be no renewal of these privileges, there must arise a condition of things, if these estates shall revert to Brazilian administration (by reason of their number and value) to which, I think, those nations will not be inclined to submit if they can prevent it.

The law of Brazil to which I refer is of 27th June, 1845, previous to the decree of 1851, above mentioned, and not, like it, referring to consular administration only in cases of reciprocity. This law is still in force and provides—

ARTICLE 11. In the right allowed to consuls of foreign nations to be present at judicial and administrative acts relating to estates of decedents and absent persons of their nations, there will be understood to be included the right of requiring, in presence of the authorities of the country, that all legal measures be taken which may conduce to the full collection and administration of said estates; and further, also, the right to be heard in respect to the choice and nomination of curators and administrators of the assets.

If, under this, the appointment could be secured of the consul to take possession and administer, even under the control of the court, we would already have a good part of what we might expect from a new treaty with Brazil—a most desirable thing for American interests here. The only remedy is a new treaty.

I am, &c.,

JAMES R. PARTRIDGE.

[Inclosure.]

Extract from the work of Pereira Pinto on "International Law and Treaties of Brazil."

[Translation.]

The cases of succession *ab intestato* also gave rise to discussions between the two* governments, the United States claiming that, by virtue of the first part of the thirty-third article of the present treaty, its perpetuity should be admitted as to those provisions which related to peace and friendship, and thence drawing the corollary that, because, on that principle, the clauses of the eleventh article of that treaty were perpetual, to American consuls belonged the right of collecting and administering, in conformity with the laws of their country, the estates of their countrymen dying here intestate.†

The weak argument of Minister Wise was completely answered by the notes of the imperial cabinet of the 19th, 21st, and 31st of August, 1846, in which it was established, first, that the stipulations relating to peace and friendship, contained in the thirty-third article, ought to be interpreted in the same manner as similar clauses in the treaties between the said United States and various other powers, expressed in the same kind of terms, declaring that the two nations should observe between themselves all those universal principles and rules generally established, because they protect international and individual rights, and which tend to strengthen peace and friendship between nations; and that (said clauses) did not comprehend any regulations or provisions whatever such as those which provide for the mode of collecting and administering the estates of intestates and personal property existing in the empire, in regard to which there was no express declaration by the two contracting parties; second, even if the provisions of the eleventh article of the treaty could be considered perpetual upon the ground set forth, that, even then, they did not authorize consular intervention in the collection of assets of intestate estates, but only showed a disposition not to claim the *droit d'aubaine*.

In consequence of these reclamations, the United States renewed, in 1849, their efforts to make a new treaty with the empire, the object of which, according to Plenipotentiary Tod, in his note of 13th of August, was to strengthen the commercial relations between the two countries, and to put an end to doubts which had been suggested in relation to the thirty-third article of the treaty of 1828.

This projet contained (as may be found in the Appendix of the Report of Foreign Relations of 1851) thirty-two (32) articles, and it was a transcript of that which had been entered into in 1828, with the exception of some provisions which gave greater extension to the consular jurisdiction in case of intestates' estates, and afforded more extensive guarantees (greater privileges) to neutrals in case of war by one of the contracting parties. Persisting, however, in its plan of deferring the negotiation of new treaties, and convinced that the laws of the country already afforded sufficient pledges of security to the development of commerce carried on by foreigners and protection to their persons and property in the same form as these were secured to its own subjects, the imperial government declined, by its note of the 22d April, 1851, to accept the said projet; and later, in 1854, by dispatch of 13th September, gave the same answer to the Envoy Trousdale when he attempted to renew similar pretensions.‡

No. 46.

Mr. Partridge to Mr. Fish.

No. 128.]

UNITED STATES LEGATION,

(Petropolis,) Rio de Janeiro, Sept. 23, 1873. (Received Oct. 22.)

SIR: The *orçamento*, or budget, relating to the expenditures and revenues of Brazil during the present and succeeding years (1874-'75)

* *I. e.*, the United States and Brazil.

† Note of Mr. Wise to the Brazilian minister of foreign relations, 1st of July and 20th of August, 1846.

‡ In the important work which the Viscount of Uruguay published under the title of "*Practical studies in relation to Provincial Administration in Brazil*" are enumerated not a few cases of the *suspension* of the laws of the provinces (State laws) by reason of their inconsistency with treaties, or by reason of their working a change in the *personal condition* or *mode of living* of foreigners in the empire, and their attempts to impose upon them taxes and special burdens. (Vol. 2, p. 295.)

passed by the assembly just adjourned, estimates the yearly receipts at fifty-two (52) millions of dollars, and the expenditures at something more than forty-nine millions and a quarter. The estimated receipts show an expected gradual increase from both import and export dues, and the authorized expenditures are increased in proportion.

Authority is also given to the ministry in its respective departments—

1st. To re-adjust the official value (*pauta*) of imports upon which duties are calculated.

2d. To consolidate the *additional* duties (imposed during the Paraguayan war) of 5 per cent., and the further percentages of 28 and 21, into a surtax of from 30 per cent. to 40 per cent. upon goods now taxed 40 per cent. to 50 per cent.

3d. To re-classify goods now taxed by weight.

4th. To continue for five years free imports and exports through Corumbá, in Matto Grosso, on the Bolivian frontier.

5th. To reduce the anchorage-dues to 200 (10 cents) reis per metric ton, levied on all foreign merchant-vessels not putting in, bringing 100 immigrants entering in *franquia*, (*i. e.*, as mail-packets,) or having paid the dues six times in the year.

6th. To continue the permission to foreign vessels to engage in the larger coasting-trade.

7th. To grant fifty milreis (50\$000) a ton bounty, exemption from anchorage-dues, and other favors, to home-built vessels.

8th. To permit crews of two-thirds foreigners, including master and mate.

9th. To permit Brazilians domiciled abroad to own Brazilian vessels.

10th. To relieve from export duties timber and other Brazilian materials used in repairs of foreign vessels.

11th. To reduce to one-half the taxes and expenses on salvage.

In some of these measures American commerce is interested, especially in those which propose a reform in the basis for the assessment of customs duties. I have already made known to the Department my communication to the foreign office here, complaining of some inequalities in this respect which operate to the special disadvantage of American products, and which I have asked them to correct in return for our liberality in the free admission of coffee. They have promised to give this due attention, and I will not be wanting in efforts to recall this promise to memory at the proper time.

It will be seen that the government, by these measures, has made some efforts toward a more liberal policy in respect to commerce and navigation; and if they shall lessen the present enormous charges in respect of wrecks, salvage, anchorage-dues, repairs, (export duties on timber used for such,) &c., it will be of great assistance to foreign commerce.

I have, &c.,

JAMES R. PARTRIDGE.

No. 47.

Mr. Partridge to Mr. Fish.

No. 131.]

UNITED STATES LEGATION,

Rio de Janeiro, October 10, 1873. (Received November 21.)

SIR: On the 6th October, Baron Cavalcini (the Italian envoy) and myself gave our decision, as arbitrators, in the case of the reclamation

of the Earl of Dundonald on this government for services rendered by his father, Admiral Lord Cochrane, during their struggle for independence.

This is an old claim, (since 1853,) and the Brazilian government had already (in 1857) paid him the full arrears of salary and pension, (suspended since 1825 for disobedience of orders;) had continued his pension (of \$6,000) till his death, and to Lady Cochrane afterward.

The government also paid his son, the present claimant, about £9,450 in 1865 for prize-money unsettled. Notwithstanding these payments, Lord Dundonald claimed, for moneys retained and deducted, others; for special prize-money in the Imperatriz, (\$5,000;) for interest on arrears of pension suspended, and for sundry items of prize, &c., all which, with compound interest claimed by his agent, amounted to at least six million dollars.

Lord Cochrane had offered in 1860 to receive £44,000 in full.

The arbitrators awarded him £38,675 in all, considerably more than he had any right to expect; but not one-half of what I understand the British legation thought the least possible sum, (£100,000.)

The imperial government is perfectly satisfied with the award, and all disinterested persons think we have acted with fairness and with a liberality towards the claimant which is not disapproved by the government. It would, of course, have been an additional gratification to have pleased our British colleague also. But this was a happiness we could not promise ourselves. * * * * *

I have, &c.,

JAMES R. PARTRIDGE.

No. 48.

Mr. Shannon to Mr. Fish.

No. 137.]

UNITED STATES LEGATION,

Rio de Janeiro, November 24, 1873. (Received December 22.)

SIR: At different periods during the past two years the question of a war between the Argentine Republic and the empire of Brazil has been warmly discussed by the press of both countries, and at times it seemed that open hostilities could not be much longer delayed.

Fears for the disturbance of peace were first seriously entertained in the beginning of last year, when the Brazilian treaties were negotiated with Paraguay by Baron Cotegipe, provoking the celebrated Tejedor note, which this government deemed so offensive to its dignity that explanations regarding it became an indispensable preliminary step in the negotiation of the Mitre-São Vicente agreement of November, 1872. These fears were again excited in the course of General Mitre's efforts, during the present year, to negotiate Argentine treaties with Paraguay.

And, finally, they were again stimulated more recently by reports of the object of the secret session of the Argentine congress, now being held in Buenos Ayres.

It having been reported here, among other things, that the attitude of the congress and the tone of its discussions were anything but friendly toward Brazil, and, furthermore, that one of the principal objects of the session was to pave the way for the formation of an alliance among all the South American republics against the empire, this government deemed the matter of such grave importance as to instruct Baron Ara-

guaya, their accredited envoy at Buenos Ayres, to request information from that government respecting the truth of those reports.

A copy of the note of the Argentine minister of foreign affairs, in reply to Baron Araguaya's application, is herewith appended, together with a marginal translation. From the terms of this note it would appear that the Argentine Confederation is at the present moment animated by the most pacific of dispositions. I think this country is not less so; and, from the very nature of its political organization, as well as the peculiar social condition of the people, the empire must always stand on the defensive.

I am, &c.,

RICHARD CUTTS SHANNON.

[Inclosure—Translation.]

Señor Tejedor to Baron de Araguaya.

DEPARTMENT OF FOREIGN AFFAIRS,
Buenos Ayres, November 3, 1873.

M. MINISTER: I had the honor to receive your note of the 31st ultimo, relating to certain rumors of war growing out of the present secret sessions of congress.

Like the imperial government, the present Argentine government considers peace as one of the greatest benefits that can fall to the lot of these regions; and your excellency may rest assured that never will a provocation to war come from the republic, nor will she enter into any treaty alliance having that for its object.

Moreover, so long as the republic is united to the empire by the bonds of that alliance which overthrew the invading power of Paraguay, this government will hold as of equal weight with those general sentiments the duty of loyalty toward Brazil, which of itself alone ought to be a sufficient guarantee to the empire that nothing will be allowed to impair those good and pacific relations now so happily existing. If we have not yet succeeded in coming to an understanding with Paraguay on the question of a boundary treaty, your excellency knows there is in this circumstance little reason for any fears of a disturbance of peace, disposed as the Argentine government is to limit itself to the execution of the remainder of the agreement of November 19th, leaving to time and future events the final acknowledgment of its rights.

I seize the opportunity, &c.,

CARLOS TEJEDOR.

To His Excellency BARON DE ARAGUAYA,
E. E. and M. P. of H. I. M. the Emperor of Brazil.

No. 49.

Mr. Shannon to Mr. Fish.

No. 139.]

UNITED STATES LEGATION,

Rio de Janeiro, November 30, 1873. (Received January 23, 1874.)

SIR: I lately received from the Viscount de Caravellas, minister for foreign affairs, an official note, under flying seal, directed to Mr. Partridge, accompanied by the request that I would forward it to him at once, wherever he might be.

As that note conveyed the thanks of His Imperial Majesty the Em-

peror for the very important service lately rendered by Mr. Partridge as arbitrator in the case of the Dundonald reclamation, as well as the official announcement that this government acquiesced in the award, I thought it desirable to make a translation of it for the information of the Department before forwarding it to its destination. That translation is appended to this dispatch.

During my conferences with the Viscount de Caravellas, I have had frequent proofs of the high appreciation entertained of the service thus rendered by our envoy at this court.

I have, &c.,

RICHARD CUTTS SHANNON.

[Inclosure—Translation.]

Viscount de Caravellas to Mr. Partridge.

MINISTRY OF FOREIGN AFFAIRS,
Rio de Janeiro, October 23, 1873.

I had the honor to receive the note which was sent me on the 6th instant by Hon. James R. Partridge, envoy extraordinary and minister plenipotentiary of the United States of America, and Baron A. Cavalcini, envoy extraordinary and minister plenipotentiary of His Majesty the King of Italy, transmitting one of the original copies, written in French, of the sentence lately passed by them, as arbitrators, upon the claim of Earl Dundonald; also advising me that they had on the same day forwarded the other original, written in English, to Mr. Buckley Mathew, Her Britannic Majesty's minister at this court.

His Imperial Majesty the Emperor, my august sovereign, to whom I made known this communication, orders me, in his name and the name of his government, to cordially thank Mr. Partridge for the promptness and good will with which he performed the service of arbitrator in this question, and to assure him that the terms of the sentence will be strictly carried out.

Thus obeying so much of the imperial order as refers to Mr. Partridge, I will only add, that I have also addressed a note, couched in similar terms, to Baron Cavalcini.

VISCOUNT DE CARAVELLAS.

No. 50.

Mr. Shannon to Mr. Fish.

No. 147.]

UNITED STATES LEGATION,
(*Petropolis,*) *Rio de Janeiro, January 15, 1874.* (Rec'd Feb. 23.)

SIR: During a conference which I had with the Viscount de Caravellas, at the foreign office, on the 2d instant, he said that he thought it would be well for the representatives of friendly nations to bring to the notice of their respective governments the present state of affairs here and at the river Plate. He alluded to the warlike attitude of the Argentine Confederation, spoke of the extensive armaments that were being collected at Buenos Ayres, and said it was the evident intention of the Argentines to fortify and arm the island of Martin Garcia, although such a step would be in direct violation of several treaty stipulations which provided for the free navigation of the Plate and its confluents. Among other treaties relating to the matter, he cited that one of our own Government with the Argentine Confederation negotiated in 1853, (July 10,)

and prescribing the conditions for the free navigation of the rivers Parana and Uruguay.

The Viscount spoke at length of the unfortunate disposition shown by the Argentines to bring on a contest; said that the sentiment of dislike and almost hate between the two peoples was quite as strong on this side of the ocean as in the mother countries of Spain and Portugal, and that undoubtedly much capital was being made of this well-known national feeling by all parties in the conduct of the presidential campaign now in progress.

He said that Brazil would have to meet armament with armament; that such preparations would necessarily be very costly, and that whatever sums were expended in this way would be so much taken from the material development of the country. That was of course to be regretted; but Brazil could not allow herself to be surprised again as she was at the outbreak of the Paraguayan war. Then, Lopez, as the result of years of preparation, had immense stores accumulated in the country, and an army of 60,000 well-disciplined troops all ready for the conflict. To oppose this force the empire had barely 20,000 troops, and these so scattered as to require months of time to bring them into the field. That war cost Brazil 600,000 contos of reis, (\$300,000,000;) and it may be safely said that the larger part of this sum may be set down to want of preparation.

He then referred to General Mitre and the cry that had lately been raised in Buenos Ayres that he was the candidate of Brazil. He said that it was true that Brazil had interested herself in the negotiation of the Argentine treaties at Assumption. This she was bound to do according to the terms of the Mitre-São Vicente agreement of November, 1872. Brazil, he said, had gone so far even as to persuade Paraguay to make certain very important concessions of territory to the Argentines, as, for instance, giving up the missions, the island of Atajo, and relinquishing that part of the Gran Chaco below the Pilcomayo, General Mitre on his side consenting to abandon the villa Occidental. Upon these bases a treaty of limits, *ad referendum*, was finally signed, but the Argentine congress refused to ratify; and so this vexed question of the Chaco still remains open, furnishing cause for continued dispute, irritation, and discord.

Referring to the late secret session of the Argentine congress, he said that one of the subjects then discussed was an alliance, offensive and defensive, between the Argentine Confederation, Bolivia, and Peru against Chili and Brazil. But it came to nothing. Congress, at the end of the debate, decided to take no present action.

Referring to the unusual energy just now being shown in the material development of this country, he declared that Brazil "was opening her doors on every side," as witness her action in the matter of the Madeira Railway and her more recent approval of the project for a road across the lower country to Bolivia; and, finally, speaking with much feeling, he said, "No; Brazil wants nothing from her 'neighbors,' except peace and a liberal co-operation in the great work of progress."

I assured the Viscount in return that I would make haste to transmit the substance of his remarks to my Government, which never ceased to take a lively interest in the affairs of South America, and would now learn with deep regret that there was any likelihood of a rupture of friendly relations between its two leading powers.

I have, &c.,

RICHARD CUTTS SHANNON.

No. 51.

Mr. Shannon to Mr. Fish.

No. 148.]

UNITED STATES LEGATION,

Rio de Janeiro, January 23, 1874. (Received Feb. 23.)

SIR: Inasmuch as the reported arming of the island of Martin Garcia, by the Argentines, was referred to by the Viscount de Caravellas in our conference of the 2d instant as a direct violation of treaty stipulations, and notably of an article in the treaty of 1853 between the United States and the Argentine Confederation; and inasmuch as it is more than likely (if the reported arming proved to be a fact) that the nations which were parties to the treaties of San José de Flores (France, England, and the United States) will be requested to take some action in the matter, I have thought it well to collate the evidence showing what has been the action of Brazil herself upon this subject under like circumstances in the past, (for the fortifying and arming of this island has already occurred several times before and been made the subject of special diplomatic negotiations,) as well as what has been the interpretation heretofore given by her to those treaty stipulations now declared to be violated.

The island of Martin Garcia is situated opposite the city of Buenos Ayres, in the River Plate, and within cannon-shot of the Oriental shore and territory.

Its true ownership is still a disputed question between the Argentine Confederation and Uruguay, although the former holds possession, and it is claimed and occupied as Argentine territory. It may more strictly, perhaps, be regarded as a part of the province of Buenos Ayres, which has always held possession of it whenever that province was separated from the Confederation; and indeed it was while Buenos Ayres was so separated from the Argentine Confederation, and holding possession of the island, that the San José de Flores treaties of 1853, and the Brazilian treaty of 1856, were negotiated with the latter government.

* Inclosures 1, 3, and 4 are translations of such parts of the several treaties as relate to the island of Martin Garcia; treaty of 1851, between Brazil and Uruguay; treaty of 1853, between the United States and the Argentine Confederation; and treaty of 1856, between Brazil and the Argentine Confederation.

Inclosures 5 and 6 are translations of so much of the reports of the Brazilian minister for foreign affairs, for 1860 and 1864, giving accounts of the negotiations and discussions which arose from the arming of the island in 1858 and 1862.

On both occasions Brazil was appealed to by the governments of Uruguay and the Argentine Confederation to interfere by force, if need be, to secure the neutralization of the island, they claiming that, by terms of Article XVIII of the treaties of 1851 and 1856, she was not only empowered but obliged to do so.

The Brazilian government, however, declined to go beyond the employment of good offices to secure the disarmament of the island, declaring that the terms of Article XVIII did not authorize her to make use of force, and that, in fact, those treaty stipulations amounted to little more than a recommendation for some future action in the matter.

* Inclosure 2 is a translation of note on Article XVIII, and its meaning is to be found at page 329 of vol. iii of Pereira Pinto's "Apontamento Para o direito Internacional."

The report of the minister for foreign affairs of Brazil, for 1864, contains the following :

The armament of this island has neither been prevented nor permitted. There was only one voice, one accord, (agreement,) between the contracting parties to obtain from that one which should be in possession of the island the consent to its neutralization in time of war.

It (Brazil) did not demand, however, nor could it demand (exigir) from that government (Buenos Ayres) the disarming of the island, the conditions of which are still to be regulated, by common agreement, between the Riverine States and the powers which signed the treaties of July 10, 1853.

The government of Buenos Ayres appears to have always claimed the right to occupy and arm the island of Martin Garcia, as though it were any other part of Argentine territory, though asserting at the same time that this was done solely as a measure of defense, and not with any view of embarrassing the free navigation of rivers.

I am, &c.,

RICHARD CUTTS SHANNON.

[Inclosure 1 in No. 148.—Translation.]

Treaty of commerce and navigation between Brazil and the Oriental Republic of Uruguay, signed at Rio de Janeiro October 12, 1851.

ART. XVIII. The high contracting parties, recognizing that the island of Martin Garcia can, by its position, serve to embarrass and impede the free navigation of the confluent of the river Plate, in which all the riverine states are interested, likewise recognize the convenience of the neutrality of that island in time of war, whether said war be carried on between the Platine States or between one of them and any other power, and this for the common good as well as a guarantee of the navigation of said rivers; and they therefore agree :

1st. In opposing, by every means in their power, that the sovereignty of the island of Martin Garcia shall pass from the possession of one of the Platine States interested in its free navigation.

2d. In soliciting the concurrence of the other Riverine States, in order to obtain from that one to which the possession and sovereignty of the island belong, or may hereafter belong, that it shall be made a matter of obligation not to use the island to embarrass the free navigation by other Riverine States; to consent to its neutrality in time of war, as well as to the formation of establishments which may be necessary for the security of the interior navigation of all the Riverine States.

[Inclosure 2 in No. 148.—Translation.]

Foot-note on page 324 of the third volume of the work of Antonio Pereira Pinto, entitled "Apontamentos Para o Direito Internacional," said note referring to the Brazilian interpretation of Article XVIII, translated in the preceding inclosure.

The dispositions of this article, although repeated in the treaty of March, 1856, with the Argentine Republic, and in those treaties entered into at San José de Flores in July, 1853, between that republic, France, England, and the United States, have not been observed on the part of Buenos Ayres. In 1859 that city, being separated from the rest of the confederation, and engaged in a struggle with it, proceeded to arm the island of Martin Garcia. In 1862, when the rupture of relations occurred between Uruguay and the Argentine Republic, the arming again commenced. On both occasions complaints were addressed to the imperial government, whose interference was solicited to secure the fulfillment of the stipulations set forth in existing treaties, but Brazil did no more than lend the intervention of her good offices, and it is affirmed in the report of 1864 in* regard to this matter that, by the stipulations above cited, the arming of that island was neither prevented nor permitted, inasmuch as there was but one

* Of Brazilian minister of foreign affairs, *vide* translation of passage in Annex F of this dispatch.

voice—one agreement—between the parties to obtain from the state which should come into possession of the island the consent to its neutrality in time of war. If this be so, then the clause of this article (referring to the interior navigation) is an improper one to figure in an agreement treating of a political and commercial interest of so much magnitude as the non-interruption of free navigation of rivers. It should have been set forth in a manner at once clear, well defined, and obligatory.

[Inclosure 3 in No. 148.]

*Extract from the treaty for the free navigation of the rivers Parana and Uruguay, between the United States and the Argentine Confederation, concluded July 10, 1853, at San José de Flores.**

* * * * *

ART. V. The high contracting parties, considering that the island of Martin Garcia may, from its position, embarrass and impede the free navigation of the confluent of the river Plate, agree to use their influence to prevent the possession of the said island from being retained or held by any state of the river Plate, or its confluent, which shall not have given its adhesion to the principle of their free navigation.

* * * * *

[Inclosure 4 in No. 148.]

Translation of Art. XVIII of the treaty of friendship, commerce, and navigation between Brazil and the Argentine Republic, signed at Parana March 7, 1856.

* * * * *

ART. XVIII. The high contracting parties, recognizing that the island of Martin Garcia may, by its position, embarrass and impede the free navigation of the confluent of the river Plate, in which are interested all the Riverine States, as well as the signers of the treaties of July 10, 1853, likewise recognize the convenience of the neutrality of that island in time of war, whether said war be carried on between the Platine States, or between one of them and any other power, and this for the common good as well as a guarantee of the navigation of said rivers; and they therefore agree:

1st. In opposing, by all means, that the possession of the island of Martin Garcia shall cease to belong to one of the Platine States interested in the free navigation of the river.

2d. In seeking to obtain from that state having possession of the island an obligation not to use it for the purpose of preventing the free navigation of the rivers by other Riverine States, and the signers of the treaties of July 10, 1853; and to obtain, also, its consent to the neutrality of the island in time of war, as well as the formation of establishments necessary to the security of the interior navigation by all the Riverine States and the nations embraced in the treaties of July 10, 1853.

* * * * *

[Inclosure 5 in No. 148.]

Translation of such parts of the report of the Brazilian minister for foreign affairs for 1860 as relates to negotiations concerning the neutralization of the island of Martin Garcia, page 20.

Since the island of Martin Garcia may, by its position, serve to embarrass and impede the free navigation of the confluent of the Plate, it became the object of treaty stipulations between the Empire and the Oriental Republic of Uruguay and the Argentine Confederation.

Those stipulations form a part of conventional law established by the treaties of October 12, 1851, and March 7, 1856, and are set forth in Article XVIII of each one of them.

The government of Buenos Ayres—which was in possession of Martin Garcia when hostilities commenced between that province and the government of the confederation, established at Paraná, hostilities which have happily just come to an end, (in

* The aim of this treaty, negotiated by Messrs. Schenck and Pendleton on behalf of the United States was to determine the conditions of the free navigation of the rivers and remove the obstacles which had previously impeded it.

1859,)—fortified and armed that island with the evident intention of using it as a means of defense.

Referring to the above-mentioned stipulations and attaching to them an importance which they did not have, the Oriental and Argentine governments—and the latter more explicitly—urged that His Imperial Majesty the Emperor should insist upon the disarmament of the island, and that to accomplish it, force even should be employed, if the protest were unheeded.

The correspondence in regard to this matter appears in the notes of the Oriental minister of July 1 and August 9, of the Argentine chargé d'affaires of July 4 and August 9 and September 13, and of the imperial government of September 12.

The question which was raised merits the most serious attention. It was clear that the arming of this island would draw hostilities to that point, and so might embarrass the free navigation of the rivers in which Brazil was interested; and this being the first discussion which had arisen relative to the application of the above-mentioned treaty stipulations, it was important that no precedent should be established contrary to its true interpretation.

The imperial government studied the question conscientiously and impartially; and, being persuaded that it was not authorized to make use of force, it resolved to use persuasive means to convince the government of Buenos Ayres of the advantages of the neutralization of the island, thus avoiding any complication which might result from its armament, not only to the government of Buenos Ayres itself, but also to neutral nations, whose duty it is to protect the interests and commerce of their subjects.

That commission was intrusted to Senhor Pereira Pinto, who, with this object in view, as well as that of obtaining assurances which would tranquilize the Oriental government, as regards the attacks which it then feared, set out from this capital (Rio de Janeiro) for his post of duty on the 2d of August of last year, (1859.)

From his communications the imperial government learned with the greatest satisfaction that although the government of Buenos Ayres, fearing the armament of the island by the confederation, and wishing to avoid hostilities at that point, had resolved itself to arm that island as a measure solely of defense, nevertheless it was quite disposed to renounce that measure if it could have the guarantee that after such disarmament and neutralization on its part the same would be religiously observed by the Argentine government, Uruguay at the same time preserving her neutrality, as she had promised and as was incumbent upon her.

This disposition of the government of Buenos Ayres was seasonably communicated to the Argentine and Oriental legations; and the imperial government took occasion to express the hope that the government of the confederation would not refuse to furnish the desired guarantee.

The events which occurred in Montevideo at the time of the simultaneous presence of the Argentine and Buenos Ayres squadrons paralyzed those negotiations, and finally put an end to them shortly afterward.

The Argentine legations in Montevideo and in this capital, (Rio de Janeiro,) and the government of the confederation itself, in giving to the proceeding of the minister resident and the consul-general of the empire in Montevideo and Buenos Ayres an interpretation which was justified neither by their intentions nor by their acts, had complained of these, pretending that the island of Martin Garcia, an integral part of the Argentine territory, had been made the object of negotiation without either the consent or hearing of the national government, and that the withdrawal of its squadron from the port of Montevideo had been offered as a condition to the neutralization of the same island.

The documents annexed in their proper place explain the question. A brief statement will be sufficient here.

At the solicitations of the governments themselves of the confederation and Uruguay, the commission of Pereira Pinto had been formed. At the same time that those solicitations were urged here, the arming of Martin Garcia was going forward, and the Argentine war-vessels in Montevideo were preparing for the conflict. The armament of the island proved difficult, and so its neutralization was practically effected. Thus the passage of the ships was facilitated.

If the imperial government had not feared being unjust in its appreciation of the facts, it might have considered those solicitations in relation not to the transit of merchant-vessels, but to the Argentine war-ships. It wished, however, to be just, and so, attending to the general interests of navigation, it counseled the neutralization of the island.

Giving, however, that counsel, which amounted to the abandonment of a means of defense, it could not fail to attend to the just demand of a guarantee which should substitute it, and expressed the hope that it would be conceded.

Events were precipitated, and the Argentine ships, then confined to the waters limited by the island, made use of the Oriental ports as the base of their military operations, and committed hostilities in Buenos Ayres. From this sprung the resolution that the government of that province (Buenos Ayres) took, of ordering its squadron to

the port of Montevideo, and the intimations there made, on the 24th of August, by the officer in command.

These events, all foreign to the will and action of the two agents of Brazil, made their positions difficult, endangering the issue of the commission intrusted to one, and creating conflicts in the territory where the other was accredited.

Senhor Pereira Pinto, learning what had occurred in Montevideo, and considering the assurances which the government of Buenos Ayres had given of its pacific intentions in regard to the Oriental State, judged it proper to have an understanding at once with the minister for foreign affairs, and on that occasion he was informed of the resolution which had been taken to order the squadron to return to that port (Montevideo) for the purpose of making fresh intimations.

In that conference he did all in his power to prevent hostilities being carried on in the port of Montevideo and its neighborhood, and only succeeded in obtaining a modification of the instructions given to the commander of the squadron.

At the same time he referred to the neutralization of the island, which was the business with which he had been charged, simultaneously with that of manifestations to be made in favor of the Oriental state. The result was the note which the minister of foreign affairs (of Buenos Ayres) sent him on the 27th of August, imposing certain conditions preliminary to the neutralization.

The consul-general of Brazil, however, did not compromit himself in regard to the two squadrons, as appears in the note passed to the government of Buenos Ayres, under date of the 3d of September.

It being necessary that the Brazilian minister in Montevideo should be informed at once of the resolution to which the government of Buenos Ayres had come, Senhor Pereira Pinto decided to go to that capital; and so he did, not only for the object mentioned, but also to make such representations as might prevent the Oriental government from giving to the other (Buenos Ayres) just motives of complaint in the observance of its neutrality.

The agreement of the 31st of August (1859) dissipated the conflict which was feared, and secured advantage for neutral interest which might have been prejudiced.

The neutralization of the island, however, was not effected; but peace now being concluded by virtue of the agreement of the 10th November, it is to be hoped that a practical re-union of Buenos Ayres with the other provinces of the confederation will soon be brought about, when all further doubts in regard to that object will have been removed.

[Inclosure 6 in No, 148.]

Translation of certain parts of the report of the Brazilian minister for foreign affairs for 1864, relating to the island of Martin Garcia, page 6. Principles and understanding of the conditions under which the island of Martin Garcia should be held.

The reclamation was based upon the dispositions of the Articles XVIII of the treaties of the 12th October, 1851, and of the 7th of March, 1856, between the three states.

In the first of these, the high contracting parties recognize that the said island could embarrass and impede the free navigation of the confluent of the river Plate, in which are interested all the Riverine States, and that it was desirable to preserve the neutrality of that island in time of war, whether carried on between the Platine States, or between one of them and any other power, and this for the common good, as well as the guarantee of the navigation of the said rivers.

The same guarantee was extended (*tornou-se extensiva*) by the treaties of San José de Flores, of 10th of July, 1853, to France, England, and the United States.

The stipulations to which I have just alluded had for their object, without prejudicing the question of dominion and sovereignty, which was still to be settled exclusively between the Platine States, to secure, so far as it was possible to do so, the neutralization of the island of Martin Garcia and prevent it from being occupied by any one of them, thus impeding the navigation of that river and of its confluent, already declared free by the most solemn treaties.

The armament of this island has neither been prevented nor permitted; there was only one voice and one agreement between the contracting parties, to obtain from that one which should be in possession of the island the consent to its neutralization in time of war.

This subject was discussed for the first time formally in 1859, when the province of Buenos Ayres, at variance with the Argentine Confederation and the republic of Uruguay, armed and fortified the island of Martin Garcia, with the manifest intention of making it the base of its military operations.

The governments of the Confederation and Uruguay, giving to this fact an international importance which it did not have, demanded of the imperial government that it

should interfere for the disarmament of the island, and that it should employ even force if her protest was not heeded.

While the imperial government could not judge itself authorized, by virtue of existing treaties, to oblige Buenos Ayres to disarm and disoccupy Martin Garcia, since the obligation she had contracted by those international acts did not go so far, (pois que a tanto não se elevavão os efeitos dos * * * * *,) nevertheless, duly appreciating its importance, and recognizing that the said armament might draw to that point hostilities which could endanger the navigation and commerce of neutrals, she sought by all persuasive means to convince the government of Buenos Ayres of the advantages of its neutralization.

But this negotiation had no result. Then followed the convention of peace of November 11, 1859. The Argentine Republic was re-organized, and maintained the right to occupy and arm the island without any other limitation than (sem nenhum outro correctivo mais (o que * * *)) to make it entirely inoffensive to the free navigation of the rivers Uruguay and Parana.

In the opinion of the minister of foreign affairs of Uruguay, the position which has been lately taken by the Argentine government amounts to a standing threat against that republic, having for its natural effect to weaken the efforts which the legal government was making to suppress the revolution, and indirectly to render to the rebels powerful aid to the prejudice of its sovereignty and independence.

Taking into consideration the reclamation directed by that minister to the imperial legation in Montevideo, the imperial government did not hesitate to conform once more with the wishes of the Oriental government, soliciting explanations from the government of the Argentine Republic in regard to the matter.

It did not demand, however, nor could it demand (exigir) from that government the disarming of the island, the conditions of which were still to be regulated by common agreement between the Riverine States and the powers which signed the treaties of July 10, 1853.

In the interest of peace, and to prevent complications which could result from the armament to the Argentine government itself, the imperial government urged the propriety of removing this further element of discord from the conflicts unhappily so frequent in the Plate.

The intervention, by its good offices, of His Imperial Majesty's government in this instance seems to have been successful, resulting in the assurance given by the minister of foreign relations of the Argentine Republic in the conferences which the Brazilian minister in Buenos Ayres had with his excellency, that it was not the intention of his government to make any attempts against the sovereignty and independence of the neighboring state, nor obstruct free navigation and foreign commerce by the coercive measures which had been adopted to obtain from that state reparation for attacks made upon the Argentine nation, a matter still awaiting a friendly solution.

These measures, in the meanwhile, have not had the consequences which the government of Uruguay so much feared; the island of Martin Garcia in fact remains unarmed.

No. 52.

Mr. Shannon to Mr. Fish.

No. 152.]

UNITED STATES LEGATION,

(*Petropolis,*) *Rio de Janeiro, February 12, 1874. (Rec'd April 7.)*

SIR: During a conversation which I had with the Viscount de Caravellas at the foreign office on the 23d ultimo, I was informed that this government had finally resolved to take into favorable consideration the various representations which had been made to it by Mr. Partridge, from time to time during the past year; so that in the revision of the tariff, now all but completed, full regard would be shown American products, and that the article of flour in particular would be placed on a footing most favorable to our commerce.

The Viscount also intimated that his reason for thus verbally referring to the subject before the publication of the tariff was the rumor that our Congress was about to replace the tax on coffee, and he desired,

therefore, that I would make known at Washington the benevolent intentions of the Brazilian government in this regard.

During another conversation which I had with the Viscount yesterday upon the same subject, I requested more precise information as to the advantages secured to American products by the revision. He could only say, however, in general, that the tax had been lightened ("*alliviado*") on kerosene, rosin, and flour; and he also intimated that whether the coffee-tax were put on again or not, this favorable treatment of those articles of American commerce was already an accomplished fact.

The new tariff, it is said, will shortly be published. So soon as I shall have obtained a copy and learned exactly what alterations have been made, I will refer to the matter again.

I am, &c.,

RICHARD CUTTS SHANNON.

No. 53.

Mr. Fish to Mr. Shannon.

No. 98.]

DEPARTMENT OF STATE,

Washington, February 24, 1874.

SIR: Your dispatch No. 148, of the 23d ultimo, relative to the arming of the island of Martin Garcia by the Argentine government, has been received. The statement which it contains of the stipulations of treaties upon the subject, is creditable to your diligence and intelligence. The Department is of the opinion that there is no legal right to require that government to desist from that proceeding, especially so long as it shall respect the provisions of its treaty with the United States of 1853, for the free navigation of the rivers of Parana and Uruguay.

I am, &c.,

HAMILTON FISH.

No. 54.

Mr. Shannon to Mr. Fish.

No. 157.]

UNITED STATES LEGATION,

Rio de Janeiro, March 1, 1874. (Received April 27.)

SIR: The struggle between the ecclesiastical and civil powers in Brazil begins to assume an aspect of grave political importance.

After the receipt of the papal bull of the 29th of May last, applauding the course of the bishop of Olinda in interdicting the various religious brotherhoods of his diocese, because they declined to expel, upon his order, those of their members who were Free-Masons, all the other bishops took open stand against the government. One after another they publicly announced it as their resolute purpose to faithfully obey any and all instructions which His Holiness might send them, being firmly convinced that, though Brazilians, their first allegiance was due to Rome.

Thus the government was forced to the adoption of extreme measures, and since the opposition of the bishop of Olinda had been more vigorous and even defiant than that of any of his colleagues, he having persistently refused to obey the resolution of the council of state of the 12th of June, it was finally resolved to bring that prelate to trial.

It had been decided in September to take this step, but three months

passed away before the preliminary legal forms of citation, response, and indictment had been concluded, and then it was announced that the supreme tribunal of justice had found a true bill, charging the bishop with an unbailable offense. His arrest was immediately ordered, and early in January he was brought to the capital and confined in the arsenal of marine. The trial began on the 18th ultimo, amid much public interest, and on the following 21st resulted in the conviction of the accused, who was condemned, under article 96 of the criminal code, to four years' imprisonment at hard labor.

As the terms of the sentence present a clear and succinct view of the main points in dispute between the civil and ecclesiastical powers in Brazil, I give the text in full :

Considering that the brotherhoods are associations of a mixed nature ; that the temporal and spiritual powers alike concur in their organization, the statutes being approved in their spiritual part by the prelates, and confirmed by the government or by the provincial assemblies, (law of Sept. 28, 1828, art. 2, § 11,) and therefore subject to ecclesiastical jurisdiction in their spiritual part, and to the civil and temporal jurisdiction in all their exhibits ;

Considering that the qualifications required for persons to belong to such associations are not an object of a spiritual nature ; considering it is indispensable that, besides the will of the founders, the two powers should concur in the establishment of regulations which are to govern these associations and to fix the rights and obligations of its members, such regulations cannot be reformed or altered by one alone of the two powers, without the co-operation of the other and the intervention of the brotherhood. (Resolution of the council of state, January 15, 1867 ;)

Considering that the declaration that a certain class, or individuals, are incapable of belonging to such associations, for reasons not set forth in the regulations, amounts to a reform or alteration of them ;

Considering that the accused ordered the Board of the Brotherhood of the Most Holy Sacrament of the parish of Santo Antonio to expel from its body a certain and determined person because he belonged to the society of Free-Masons, an association permitted by the laws of the empire ; ordering likewise the expulsion of all other members who were in the same situation ;

Considering that when the brotherhood refused to carry out such order, as being contrary to its engagements, the accused launched the penalty of interdiction, without proceeding to any inquiry, or even hearing the interested parties ;

Considering that in this proceeding the accused usurped the jurisdiction of the temporal power, and, furthermore, used notorious violence in the exercise of the spiritual power, ignoring, in the imposition of the very grave penalty of interdiction, natural right and the canons of the Brazilian church, which do not allow the condemnation of any one without a hearing, and without the observance of the rules of defense ;

Considering that when the appeal to the Crown, authorized by decree 1911, of March 28, 1857, in conformity with preceding legislation, was taken, the accused denied its legality, and when the said appeal was decided, and the imperial resolution transmitted to the accused to be carried out, he not only disobeyed it, but incited the vicars to do the same, threatening them with the penalty of suspension "*ex informata conscientia*," of which one who showed hesitation was a victim ;

Considering that the accused, who, as a public employé, (additional act to the constitution of the empire, art. 10, § 7,) should, in his high position, have been prompt and solicitous to fulfill, and cause his subordinates to fulfill, the laws of the country, rendered his formal refusal to obey a lawful order still graver by going so far as to declare heretical the matter of appeal to the Crown and the placet. (See his note of June 6, 1873 ;)

Considering, lastly, that, for the reasons set forth, the present case is within the jurisdiction of the tribunal, and that the accused has by his course impeded and prevented the due effects of the order of the executive which were contained in those resolutions, as is fully proved in the papers, the court judges that the bishop, D. Vital Maria Gonçalves de Oliveira, has incurred the penalty of article 96 of the criminal code, and so sentence him to four years of imprisonment with labor and costs.

Article 96 of the criminal code reads as follows :

Obstructing or preventing in any manner the effect of decisions of the moderative or executive powers, which are conformable to the constitution and the laws. Penalty : Imprisonment at hard labor for from two to six years.

The conviction of the bishop of Olinda had been generally anticipated ; yet when the fact became known and began to be realized, the public sentiment was shocked. Never before in the history of Brazil

had a prince of the church been condemned to prison like a common felon! There was at once a strong revulsion of popular feeling, and, judging by the present tone of the daily press, a ministerial crisis is not far off. If not a complete dissolution, a modification, at least, of the present ministry is expected, since its members appear unable to agree upon the course to be pursued with the condemned bishop; some being in favor of granting him a full pardon, and others insisting upon the commutation of the sentence to simple imprisonment.

When it was decided in September last to bring the bishop of Olinda to trial, it was decided at the same time to send a special mission to Rome. That mission was confided to Baron Penedo, the Brazilian envoy at London; and its object, as set forth in the foreign minister's instructions, was to persuade "the Pope to cease encouraging the bishops in their disobedience," and "to counsel them rather to proceed in conformity with the constitution and laws." The envoy was also distinctly told that "the bishop of Olinda would be brought to trial, and that even other more energetic legal measures would be adopted, if found necessary, whatever might be the result of the mission." Finally, he was instructed to "use moderate but firm language," and to represent that "the imperial government did not ask a favor, but only claimed what was just."

The result of Baron Penedo's mission, which terminated in November, has, I believe, until very recently, been regarded as satisfactory by this government. It consisted of a note from the cardinal secretary, "deploring the grave conflict that had arisen between the civil and ecclesiastical powers in Brazil," and stating that His Holiness was "disposed to adopt those measures which, in his wisdom and paternal benevolence toward Brazilian Catholics, he should judge opportune to bring that conflict to a close; expecting, however, that the imperial government on its part would concur for the removal of all obstacles tending to retard the accomplishment of the desired end."

Baron Penedo also states that he was shown a letter addressed to the bishop of Olinda, censuring his course and instructing him to recall his pastorals interdicting the various brotherhoods of his diocese. This letter, of which the Brazilian envoy does not seem to have obtained a copy, was forwarded through the internuncio here, and reached the bishop of Olinda when he was already confined as a prisoner in the arsenal of marine. That letter has not yet been published, and it is asserted, furthermore, that this government has not yet been able to obtain a copy.

That the results of Baron Penedo's mission are not now regarded here with the same satisfaction as at first, may be inferred from the fact that a new agent, already in Rome, has been instructed to use his good offices in convincing the Holy See of Brazil's continued loyalty to the Church.

Thus the "religious question" bids fair to occupy the chief attention of the chambers during the next session. Various practical reforms, it is said, will be brought forward, and some of them may become laws, since it is hardly to be supposed that so much discussion will be allowed to result in nothing.

There are those even who look for the separation of the Church from the state, but the adoption of so radical a measure is hardly probable now. It would be more reasonable to hope for the legalization of civil marriage, or a civil registry, or the secularization of cemeteries, or possibly for the revocation of that singular clause of the constitution which provides that houses constructed for the worship of other religions than the Roman Catholic "shall" not have the exterior form of a "temple."

I am, &c.,

RICHARD CUTTS SHANNON.

No. 55.

Mr. Partridge to Mr. Fish.

No. 164.]

UNITED STATES LEGATION,

(Petropolis,) Rio de Janeiro, March 24, 1874. (Received April 21.)

SIR: Notwithstanding the hope and belief here that the unsatisfactory relations with the Argentine Republic may not finally end in a war, the Brazilian fleet in the Plate has been re-enforced, now numbering ten vessels, under one of their chief naval commanders; recruiting is incessant, and it is evident from the other preparations that this government is desirous of being able at once to strike an effective blow, or a rapid series of them, in case the necessity should overtake them.

There is still no Argentine legation here, and it is thought by many who know the temper and disposition of Mr. Magalhaes, Baron Araguaya, that those qualities in the Brazilian minister there would not lean to concession.

To the complaints made by each of the parties against the other, arising out of the Brazilo-Paraguayan treaties, the continued occupation of Villa Occidental, and the armed occupation by the Argentines of the island of Martin Garcia, (in alleged violation of the guaranteed neutrality of the Plate, mentioned in Mr. Shannon's No. 147,) are to be added, on the part of a large party in Buenos Ayres, the disappointment at the non-election of General Mitre to the Presidency, the success in the election there (though disputed) of Alsina, and the hopes of all the disappointed candidates and their friends that a declaration of war might bring about a revolution in the Argentine Republic, and so aid the chances of some one of those chiefs.

It is clear to any one who knows the want of resources on both sides to carry on a war, that that fact alone ought to be sufficient to prevent it; but every such person also knows that such a condition of affairs is very far from being a reason here; in fact, it often is a reason to them for proceeding.

These threatenings of war have been very much believed in by the ministers of England and France, and there is reason to suppose that in consequence of their representations to their governments, they have been instructed to offer their mediation in case war should come.

One would suppose, however, from the former experience of the Anglo-French mediation in affairs of the River Plate Republic, (1838-1850,) that they, or at least England, would hesitate before getting again into such a business.

Since there is no United States minister there at present, I will endeavor to keep you informed of events there, as well as here, which bear upon this matter.

It has been said here by a person high placed in the government, that in case Brazil should find war inevitable, they would be in favor of the questions being referred for decision to the President of the United States.

I am, &c.,

JAMES R. PARTRIDGE.

No. 56.

Mr. Partridge to Mr. Fish.

No. 165.]

UNITED STATES LEGATION,

(Petropolis,) Rio de Janeiro, April 9, 1874. (Received May 26.)

SIR: The Buenos Ayres journals are still filled with abuse of the

Brazilian government, and inflammatory appeals to the Argentine population to carry on a war, which, by its results, shall put an end to Brazilian dictatorship in Paraguay, and to Brazilian pretensions (as they say) to regulate matters in the River Plate.

There can be no doubt that there is an intense hostility among the Argentines toward Brazil; and that a large portion of the population, outside of Buenos Ayres particularly, is in favor of a war. The commercial interests in Buenos Ayres, Rosario, and the principal towns, and the large foreign influence in the former especially, are too well informed and have too much at stake, to be willing to run the risks of the only result which they know such a war could have.

It is doubtless true, also, that a great deal of the warlike talk of the newspapers, and of many of their public men, is due to the fact that the election (for the college which is to name the President) takes place in June; and that the result of those elections for Congress already had seems to show that the candidate of the party supposed to be in favor of a war with Brazil has more chance of success. These results seem to foreshadow the triumph of Avellaneda (since Alsina has promised to retire in his favor) and the defeat of General Mitre, who is declared by his opponents to be the Brazilian candidate because he is in favor of peace.

It is not easy, therefore, to say how much reliance ought to be placed upon these threats, and how much of the war cry is to be attributed to political motive.

The fact remains, however, that the Argentines are very busy arming, purchasing war-material; buying war-vessels; attempting to organize a navy; fortifying their positions along the river; and have actually diverted a very large portion of the proceeds of a late loan effected in London, to be used in the construction of railroads, for the purchase of cannon and accoutrements.

These things, with the tone of the press in Buenos Ayres, and no doubt the assurances they receive from the Brazilian minister there, have induced this government to move in earnest, and to make the most effective preparations in case such war should be declared by the Argentines.

I think it beyond question, both from the assurances of this Government, from their financial condition, and the public feeling here, that Brazil has no intention or wish to engage in such a war. This empire is progressing rapidly, compared with what has been its progress heretofore. Their coffee planters are getting rich with the enormous prices they receive, and the public revenues from export and import dues are far in advance of what they could have even hoped for. They are building railroads and increasing their merchant marine, and the remembrance of the depreciation of their currency, of their losses and sacrifices during the Paraguayan war, renders them utterly unwilling to undertake any new one.

But they are determined not to be caught unprepared. They are making every preparation of their navy, (which is respectable,) and especially overhauling their gunboats, which did such service in the river during that war.

In case war should be declared by the Argentines, we may look at once, I think, for a prompt and efficient blockade of Buenos Ayres and the Parana. The naval commission has already declared in fit condition for active service some twenty-one (21) of their steamers and gunboats.

My own impression is, however, that there will be no war. Brazil does not desire it, and the war-cry in the Argentine Republic is, from what I can learn, part of a political scheme to defeat General Mitre.

It is so clearly the interest of the Uruguayans to remain neutral and to reap the commercial advantages of such a position, that their journals plainly see and advise such a course.

I annex a clipping from the "Nation," here, (ministerial journal,) taken from the "Uruguay," which I think truly states the case.

I have, &c.,

JAMES R. PARTRIDGE.

[Inclosure.]

Translation of the annexed clipping from the "Nação" of Rio de Janeiro of March 27, 1874.

In Montevideo has appeared a new journal called "El Uruguay." Its editors, for the political part, are Messrs. Charles de Castro and Bonifacio Martinez. In an article of that journal, which is headed "Neutrality and War," we find the following:

"For those who reflect, even superficially, upon what is going on in the River Plate, a war between Brazil and the Argentine Republic is imminent.

"*The spirit of the Argentine people is in favor of war, and it is easily explained.*

"The empire exercises a powerful influence in Paraguay. Only the other day, the civil war which had broken out in Paraguay was ended by the mediation of a Brazilian minister. This alliance must exist as long as the Argentines shall occupy the Villa Occidental—an occupation which was the act of an unwise policy.

"Besides this, there is the antagonism of race and the inherited antipathy between Brazilians and Argentines; there is the remembrance of Itazuingo; and finally, the contempt which all Argentines feel for the Brazilians.

"The Argentines wish to break down the Brazilian influence, and to wash their hands in the face of the world of the great mistake of the triple alliance.

"Diplomacy is at work, not to come to an agreement, but to manage alliances.

"The Argentine Republic sends two ministers, one to Bolivia and one to Peru.

"On the other hand, Brazil, which has been looked upon since the Paraguayan war by all the South American republics with distrust, sends to Chili one of her ablest diplomats, who (Mr. Aguiar de Andrada) by force of hard work and unwearied perseverance, has actually succeeded in doing away with the suspicious feelings existing in Chili toward Brazil, and since then the notes exchanged between those governments are of the most friendly and benevolent expressions; in fact, of a profound affection."

The article concludes by saying that in case of a war the Oriental Republic ought to maintain a strict neutrality.

No. 57.

Mr. Partridge to Mr. Fish.

No. 166.]

UNITED STATES LEGATION,

(Petropolis,) Rio de Janeiro, April 16, 1874. (Received May 21.)

SIR: In my No. 108 (April 24, 1873) I sent to the Department a copy (annex) of a note I addressed, at that time, to the foreign office here, in view of the then proposed revision of the Brazilian tariff, in which I showed the greatly exaggerated *pauta* or custom-house valuation of imports from the United States into Brazil; the heavy duties, both export and import, levied by Brazil on that commerce; and begged that, in the proposed revision and correction, the liberality of the United States in abolishing the duty on coffee, inuring to the very great advantage of this country, might be responded to by a reciprocal lowering, at least, of those heavy duties here.

At various times since then the Viscount de Caravellas has said to me that they hoped this could be and would be done in the new tariff.

This last, to go into effect after the 1st July next, has just been pub-

lished, (31 March,) and of which I will send a copy as soon as a suitable one can be procured.

On considering its provisions, I was surprised, after what they had said, to find that there was to be no diminution whatever in the (*pauta*) valuation or duty on any article from the United States, except a small reduction in that on kerosene, which is largely imported.

On lard there is to be actually an increased duty of $\frac{17}{20}$ of a cent per pound, making the whole duty (new) equal to $4\frac{3}{4}$ cents per pound.

On the following articles there is no change, viz :

Flour remains at 987 reis, *i. e.*, 52 to 54 cents, per barrel.

Lumber about \$7 per 1,000 feet.

Rosin at \$1.15 per barrel.

Turpentine about $9\frac{1}{2}$ cents per gallon.

In view of this, and hoping that there still remains an opportunity, before the 1st July, to have some return for our liberality, I addressed a note on the 15th instant to the Viscount de Caravellas, of which the annex hereto is a copy.

Certainly so excellent an opportunity for this Government to do something for the benefit of our interests, and in return for what has been done for theirs in the United States, ought not to be allowed to pass; and still hoping that I may be able to accomplish something in this direction, for which I have been making efforts ever since my first arrival, I trust this note and what I have done may meet your approval.

I am, &c.,

JAMES R. PARTRIDGE.

[Inclosure.]

Mr. Partridge to Viscount de Caravellas.

UNITED STATES LEGATION,
Petropolis, April 15, 1874.

On the 16th April, 1873, I had the honor of addressing his excellency the Viscount de Caravellas, minister and secretary of state for foreign affairs, a note touching the condition of the commercial relations between the United States and Brazil, showing the very large amount of export duty levied on the coffee of Brazil exported to the United States, (three-fifths of the whole Brazilian crop;) the exaggerated *pauta* and high import duties levied on articles imported into Brazil from the United States, whereby the great inequality of commercial movement (of products) between the United States and Brazil was increased, or at any rate prevented from finding its proper reciprocity, and a positive impediment was placed to the development of interchanges which it is the interest of both countries to promote.

In that note I also called the attention of the minister of foreign affairs to the fact that the duty on coffee imported into the United States (3 cents per pound) has been abolished, and that the whole of the difference in price resulting had inured to the benefit of the producers of coffee (*fazendeiros*) in Brazil.

In that note I also gave tables and statistics, showing, incontestably, the large receipts and financial advantages resulting to the imperial treasury from the duties (both import and export) levied on that commerce, and demonstrated the percentage of the imperial customs-revenues levied on the commerce with the United States alone.

I made these statements for the purpose of inviting the attention of the imperial government to those facts in view of the then proposed revision of the *pauta* and tariff on imports; and I would respectfully invite again, in connection with this communication, the attention of the minister of foreign affairs to that note of the 16th April, 1873.

The receipt of that note was acknowledged on the 29th of May, 1873, (D. G. 2060,) and it was stated that his excellency the Viscount de Rio Branco, minister of fazenda, to whom it had been sent, would take its statements into full consideration; but that no steps could be taken then, nor until the legislative body had fixed the bases of the projected reform in the custom-house tariff.

Since then, at several interviews, his excellency the minister of foreign affairs has been good enough to say to me that the statements of that note (April 16, 1873) were receiving due attention; and that it was hoped that in the new tariff which would be promulgated after the report of the commission of review had been made, there would be such a satisfactory re-adjustment of duties on articles (the produce of the United States) imported into Brazil as would respond to the liberality of the United States in wholly abolishing the duty on the great Brazilian product.

I have since seen, by a decree lately published, that the new tariff has been adopted on the report of the commission, and that it will go into effect on and after the 1st of July next.

I had hoped, from what the minister of foreign affairs had stated to me, to find in this new tariff very large reductions, both in the *pauta* and in the rate of duty, upon articles the produce of the United States; but after reading the report and inspecting the proposed tariff I regret to be obliged to say that it appears there is to be no reduction of duty, except on one article, (kerosene;) a large increase on another, (lard;) no change in all the rest; and that thus there will be no adequate response to the liberality of the United States tariff toward Brazilian products.

If the report and project of law shows the duties to be levied on articles from the United States after the 1st July next, then the Government of the United States will be grievously disappointed in its just expectations, after the representations I have made to Washington, based on the assurances of his excellency the minister of foreign affairs to me.

In order to show the small extent of the relief in one case and the aggravated duty in another to be expected under the new (proposed) tariff, I append a table showing the late, present, and proposed duties on six articles the produce of the United States, and which constitute the great bulk of imports from the United States into Brazil:

Names of articles imported into Brazil chiefly of the produce of the United States.	Old duty, 1873, before the reduction of percentages.	Present duty, 1874, after reduction of the extra percentage.	
Flour, per kilogram.....	8 reis and 78 per cent	8 reis and 40 per cent.	
Equal to, per barrel.....	1\$255.....	987 reis.	
Lumber, per square meter....	100 reis, 28 per cent. and one-sixth	100 reis and 40 per cent.	
Equal to, per 1,000 feet...	13\$444.....	13\$010.	
Kerosene, per kilogram	120 reis, 28 per cent. and one-sixth	120 reis and 40 per cent.	
Equal to, per 10 gallons ..	5\$087.....	4\$922.	
Lard, per kilogram	120 reis, 28 per cent. and one sixth.....	120 reis and 40 per cent.	
Equal to, per pound.....	80 reis	77 reis.	
Rosin, per kilogram.....	15 reis and 28 per cent. and one-sixth..	15 reis and 40 per cent.	
Equal, to per barrel.....	2\$207.....	2\$142.	
Turpentine, per kilogram	40 reis, 28 per cent. and one-sixth	40 reis and 40 per cent.	
Equal to, per 10 gallons ..	1\$850.....	1\$792.	
	New duty under proposed tariff in force after July 1, 1874.	Remarks.	
Flour, per kilogram.....	8 reis and 40 per cent.. }	No change.....	{ Equal to 52 to 54 cts. per barrel.
Equal to, per barrel.....	987 reis..... }		
Lumber, per square meter ...	100 reis and 40 per cent. }	No change.....	{ Equal to \$6.90 per 1,000 feet.
Equal to, per 1,000 feet...	13\$010..... }		
Kerosene, per kilogram	80 reis and 40 per cent. }	A reduction of 56 reis per kilogram.	{ Duty (new) equal to \$1.73 per box of 10 gallons.
Equal to, per 10 gallons...	3\$281..... }		
Lard, per kilogram.....	150 reis and 40 per cent. }	An increase of 17-20ths of a cent. per pound, 42 reis per kilogram added.	Duty (new) is equal to 4½ cents per pound.
Equal to, per pound.....	95 reis..... }		
Rosin, per kilogram.....	15 reis and 40 per cent. }	No change.....	\$1.15 per barrel.
Equal to, per barrel.....	2\$142..... }		
Turpentine, per kilogram....	40 reis and 40 per cent. }	No change.....	{ 95 cents per box of 10 gallons.
Equal to, per 10 gallons ..	1\$792..... }		

From this table it thus appears: 1st. That in the articles of flour, lumber, rosin, and turpentine no *change whatever* in the rate or amount of duty is to take place; 2d. That in the article of lard there is, so far from benefit, on the contrary, an aggravation of or addition to the duty of 42 reis (equal to $\frac{1}{10}$ of a cent per pound increase) per kilogram; and that on the single article of kerosene there is a proposed deduction of only 56 reis per kilogram, (equal to 1 cent per pound, or 40 cents per box containing 10 gallons, decrease) below the present duty; and that, the proposed new rate of duty

on kerosene, (112 reis in all per kilogram, 80 reis+40%) is equal to nearly 75 per cent. *ad valorem* on its cost in the United States.

I am persuaded that his excellency the minister of foreign affairs will agree to the assertion that these proposed new duties do not exhibit the liberal spirit toward the products of the United States which that Government, after its own course with regard to coffee, had a fair right to expect.

By the abolition of the duty on coffee the United States gave up a very large revenue, (nine millions of dollars,) nearly eighteen thousand contos of reis. The result was, as might have been expected in every case of such reduction, a very large increase in the consumption of coffee, and especially of the coffee of Brazil. And it cannot be doubted that, in like manner, a liberal reduction of duty in Brazil on the produce of the United States would result in a very large increase in their consumption here, so that, while the duty was lessened, the movement and imports would be so largely increased that the imperial treasury would receive still larger sums from lower rates of duty.

It is hardly necessary for me to do more than present this table for the consideration of the imperial government. Nor is there any necessity for me to speak of the advantages which must result to both countries from a just and liberal reciprocity in their respective tariffs toward the products of the other. These things are now well understood, and, the advantages being admitted, the question with every government is, how far the condition of the country and the results to its treasury will admit of the application of a principle which will be followed by acknowledged benefits.

Of its own necessities and policy, of course, the imperial government is the best judge; and it rests with that government alone to say what shall be the measure and amount of the duties it proposes to levy on its imports. But the wonderful progress which has been made in Brazil in these late years, and the enlightened and liberal policy which the imperial government has pursued in the removal of the additional percentages, in the abolition of vexatious delays in entering, loading, and clearing the mail-steamers, and in the removal of many obstacles to prompt dispatch, and with such manifest advantage and increase to the commerce of the empire—all these things easily induce every well-wisher of Brazil to believe that the imperial government is willing to continue to adopt all such liberal proceedings as may cause its still further development and increase.

These considerations had given rise to what I have called the just expectations of the Government of the United States, in view of the proposed re-adjustment of its tariff by Brazil; and that Government entertained certainly a reasonable expectation that, in view of what had taken place, such a reduction in the duties on the articles named would be accorded by the imperial government in acknowledgment and return for the entire abolition in the United States of the duty on coffee. Yet it has been shown by the table above given that on four of the principal articles (flour, lumber, rosin, turpentine) which come from the United States no change whatever has taken place; on one important article (lard) a very heavy addition has been made to the present duty, and that on one article alone (kerosene) a reduction has been accorded, which yet leaves the proposed new duty equal to *three-fourths* or more of the prime cost.

The hope is still entertained, since the new tariff does not begin until the 1st of July next, that the imperial government may yet be induced to lower the duties on all these articles.

It is understood, of course, that the imperial government has the power to modify its own decree; and since it certainly was in its power to adopt, alter, or reject any portion of the recommendations of the commission of review, it appears equally competent to make now any further alteration or modification which it may think well to establish.

I trust that his excellency the minister of foreign affairs will agree with me that so excellent an opportunity of responding to the liberality of the Government of the United States ought not to be allowed to pass without such action on the part of the imperial government as could not fail to assure the United States of the desire of Brazil to further, in every just and practicable way, the most important commerce which this country holds with any other one nation; and which could not fail also to strengthen and make lasting the very friendly relations and commercial alliance between the two principal powers on the American continent.

It will be easily understood, of course, that I do not ask that this reduction shall be made expressly, as of duties upon articles *because* the produce of the United States, since, if that were done, by that name, it might give rise to exigencies of *other* countries asking for themselves (without any such reason as exists in the case of the United States) an equal reduction on other articles because the products of their respective countries, when those countries had not only not abolished and reduced, but have actually increased, their duties on Brazilian products.

To avoid all such inconvenience it is respectfully suggested—in case the imperial government still has the disposition to respond to the liberality of Brazil's largest customer, and it be still in the power of this government to modify its own decree—that

there might be made such reductions in the duty on the articles named above as would accomplish this desire of both governments.

In again urgently inviting the attention of his excellency the minister of foreign affairs to this very important matter, which, if it can be accomplished, will be one of the most welcome things that could be reported to Washington from Brazil, I avail myself of the opportunity to renew to his excellency, the minister of foreign affairs, the assurances of my complete esteem and consideration.

JAMES R. PARTRIDGE.

To His Excellency VISCOUNT DE CARAVELLAS,
Minister and Secretary of State for Foreign Affairs.

No. 58.

Mr. Partridge to Mr. Fish.

No. 172.]

UNITED STATES LEGATION,
Rio de Janeiro, April 24, 1874. (Received May 22.)

SIR: There is very little change to be reported in the aspect of the relations between Brazil and the Argentine Republic.

The journals here still insist that the republic is only awaiting the arrival of their expected steamers and armaments to begin; and that the feeling of hostility there has increased since the failure of the late Argentine intrigue at Asuncion to displace by a revolution there the Paraguayan President, Zovellanos, who, the Argentines declare, is only a Brazilian proconsul.

It appears, in fact, that the superior Brazilian influence in Paraguay is the root of bitterness for the Argentines, and that the late revolt attempted at Asuncion (where there is still a Brazilian garrison) was plotted across the river, in the Chaco, (Villa Occidental,) still occupied by an Argentine force.

In conversation to-day with the director-general of the foreign office I learned that they are still awaiting a reply from Dr. Tejedor, the minister of foreign relations at Buenos Ayres, to the last Brazilian note; and I suppose from some expressions that they still think war may come, and that it is even probable.

This has been so long and so often threatenend, however, during the last three years, that many think it will pass now, as heretofore, without any further consequence than an increase of the old hostile feeling; and I should imagine, from what several persons here from Buenos Ayres, with whom I have conversed have told me, that the Argentine government is hardly rash enough to undertake such business.

The armaments here continue, and Brazil has already a respectable force in those waters.

I am, &c.,

JAMES R. PARTRIDGE.

No. 59.

Mr. Partridge to Mr. Fish.

No. 175.]

UNITED STATES LEGATION,
Rio de Janeiro, May 19, 1874. (Received June 20.)

SIR: The Brazilian government is constant in its efforts to promote the construction of railways into the interior, and lately several decrees have

been published guaranteeing 7 per cent. (net) dividend for a term of years to the stockholders of various companies about to undertake these enterprises from various points along the coast into the agricultural regions of the interior, from which the produce still comes by the slow, expensive, and insufficient means of carriage on the backs of mules.

With these government guarantees it has not been, hitherto, difficult to find, in England, the capital and to organize the companies, which have already, upon similar grants, constructed railways from Santos, (St. Paul,) Pernambuco, and other points.

Efforts have been made also to induce this government to issue bonds, or guarantee interest on new bonds of the Madeira and Marmoré Railway Company, (Bolivian Navigation Company,) but there has been no disposition hitherto here to assist (financially) the enterprise.

In this connection it may be interesting to the Department to know that the Trans-Andine Railway, from ports of Peru to the head of navigation on the southern affluents of the Amazons, is steadily progressing, and will, in all probability, shortly be consummated, through the energy of Mr. Henry Meiggs, an American citizen, who builds it under contract with Peru.

Annexed is a (clipping from an Argentine newspaper) letter from Pará, which gives some account of this work. It states the whole distance from the port of Callao, on the west coast, to the head of navigation (down the Peruvian affluents) at Oroya, within the Brazilian frontier, to be only one hundred and sixty-seven miles, (which must be a mistake, perhaps "leagues" is meant,) passing, in that short distance, the great Cordillera of the Andes through a tunnel at the height of 15,000 feet above the sea.

In this connection, also, it may be stated that the Amazons Navigation Company, having (virtually) a monopoly under a grant to Baron Maná, and by him transferred to an English company, have lately much improved their steamers, engaged in the navigation from Pará up the river, both in speed and accommodation. Several new iron steamers of very light draught, with well-ventilated cabins, &c., on the American (western) model, have been built in Wilmington, Del., and sent out for that company.

Even when the Trans-Andine Railway shall be completed to Oroya, and the navigation service of the upper affluents be organized, it will be, probably, for some time a question whether freight will be cheaper to Peru by that route than as at present by the steamers of the Pacific Steam Navigation Company, which run from Liverpool to Callao in forty days, touching at Lisbon, Pernambuco, Rio, Montevideo, thence through the Straits of Magellan to Valparaiso and Callao.

I am, &c.,

JAMES R. PARTRIDGE.

[Inclosure.]

(From the Buenos Ayres Standard.)

Important from the Amazons.—Railway from Peru to Brazil.

PARÁ, April 6.

The Trans-Andine railway from Peru to the Amazons progresses rapidly, and will soon connect the Brazilian frontier with the west coast. It starts from the port of Callao, and after 30 miles begins to ascend the mountains, passing several ruins of cities of the Incas. At San Bartolome, 45 miles from Callao, the line attains an eleva-

tion of 5,000 feet. The viaduct of Varrujas passes through the grandest mountain scenery till reaching Lurco, after which it leaps the defile of Challapa by a bridge 160 feet high and 224 feet span.

Between Tambo Viso and Chicla the railway picks its way through awful precipices where it would seem impossible to bring a locomotive, there being 30 bridges and viaducts in this section, and 35 tunnels, the longest 1,290 yards in length; the curves in some places are in the form of a V, and when we reach the awful chasm of Chacahuare you hear the roar of the water-fall at a great depth below. Next comes the Infernillo defile, where the Rimac is a stream of 130 feet wide, falling over a cascade of 170 feet. This is passed by a tunnel to the edge of the cliff, then a bridge 200 feet in height, after which the train enters another tunnel, till again reappearing to the light of day, and still steadily ascending. The Rio Blanco defile being passed the line is carried over a viaduct 330 feet long and 250 high, again across the Rimac, and we reach Chicla. All this country is so rich in minerals that the railway is sure to revive the abandoned mines of the last century.

From Chicla to Summit Tunnel the ascent is easy, although there is an incline of 1 in 25, which is surmounted by 6 bends, the last at the Chinchán defile, being 5 miles long, and the scenery here of the wildest and most savage aspect. The brightness of the snow is distressing to the eyes. The air is so rarefied at this height that you breathe with difficulty, and at last, at Antaranga, we enter Summit Tunnel, 15,000 feet over the sea, and 106 miles distant from Callao. This is nearly 3 times as high as the greatest elevation of the American and San Francisco railway over the Rocky Mountains, (6,000 feet.)

The descent on the Brazilian side is easy, till reaching the little village of Oroya, which gives its name to this wonderful railway. Oroya is 136 miles from the port of Callao, and stands 12,100 feet over sea-level. The last section of the line from Oroya to the Amazons, 31 miles, is now approaching completion. Thus the whole length will be 167 miles, and travelers or merchandise can then be conveyed by steam from Brazil up the Amazons and over to the west coast, or *vice versa*.

No. 60.

Mr. Partridge to Mr. Fish.

No. 176.]

UNITED STATES LEGATION,

Rio de Janeiro, May 20, 1874. (Received June 20.)

SIR: On the 5th instant the session of the legislative chambers was opened by a speech from the Throne, a translation of which is hereto annexed.

It will be seen that this time the Rio Branco ministry have not followed their own example on previous occasions, and made no allusion to all the most important events or measures of the year.

They were obliged to speak of the ecclesiastical question, in which they have triumphed, but have nothing to say on the question of civil marriage, which has formed part of that discussion, nor of the attitude of the Argentine Republic, which has taken up most attention since the trial of the bishops.

Since then nothing has been done, because the ministry finds itself with a bare majority of one or two, and which threatens to disappear, so that no measure of importance or reform that was needed and promised has been brought forward or discussed.

When the ministerial party find, at a session, that their members are not all present, they depart, so as to leave the chambers without a quorum, so that an adjournment till next day takes place, which is repeated on the morrow if the steamer on which some of their adherents are to arrive has not come in.

Meantime we hear less talk of war from Buenos Ayres, where the result of the election for president is still in doubt. Here, however, they think this is only a delay on the part of the Argentines; so the

naval armaments continue, and every vessel of the Brazilian navy is put in order for service.

The Argentine consul-general (*chargé ad interim*) informs me that he thinks there is no adequate cause for all this preparation here for defense, and regards it as a threat on this side which may bring about the thing they profess to wish to avoid. From what he as well as others from there tell me, and from the experience we have had of this war-cry for now three years, I am inclined to think that there is every day less probability of war, as I have already informed the Department. The message of the Argentine president to the chambers just opened in Buenos Ayres also appears to confirm this hope.

It is said that in case the present ministry should find itself without a majority, there might be some change in its composition, perhaps of leaders, so as to go on with the present house; for it is believed that the Emperor is unwilling to grant a dissolution, being anxious that the proposed electoral reforms should be adopted so as to govern any new election.

The chances, however, seem to be that the Viscount Rio Branco will remain; and, perhaps, the reduction of the export duty, (from 9 per cent. to 7 per cent.,) which he told me he intended to propose in favor of cotton and sugar, may assist it.

I am, &c.,

JAMES R. PARTRIDGE.

[Inclosure.]

Speech of the Emperor of Brazil at the opening of the Legislative Chambers, May, 1874.

[From the Anglo Brazilian Mail May 22.—Translation.]

THE GENERAL ASSEMBLY.— OPENING OF THE SESSION, 1874, (MAY.)

The legislative session of this year was opened May 5, by His Majesty the Emperor, with the following speech:

August and most worthy representatives of the nation:

Your meeting is always to me a matter of rejoicing and well-based trust.

Thanks to Divine Providence, the public peace has remained unshaken, and Brazil prospers under the influence of this great benefit.

The last news I had from my beloved daughter, the Princess Imperial, Countess d'Eu, brought me the grateful certainty of her pregnancy. In this case she ought to return to Brazil, in fulfillment of one of the conditions of the matrimonial contract, but perhaps she may find herself obliged to avoid so long a journey, in compliance with the opinion of medical authorities.

The sanitary state of many points of the empire has not been satisfactory, but the sufferings of the people have been attenuated by the assistance of the state and private charity.

Our international relations have not been altered, and the government is trying to draw them still closer by bonds of friendship and reciprocal interests.

The definite agreements of peace between the Argentine Republic and that of Paraguay have not yet been concluded; it is to be hoped, however, that they will be so, pacifically and amicably. With this object we have given our ally the co-operation we are bound to by the agreement of November 19, 1872.

Exchange has been made of the ratifications of a consular convention with Great Britain, of a treaty of extradition with Belgium, and of a postal convention with the Argentine Republic.

The procedure of the bishops of Olinda and Pará has subjected them to the judgment of the supreme tribunal of justice. This fact has caused me great sorrow, but it became requisite that so grave an offense to the constitution and laws should not remain unpunished.

Firm in its purpose to maintain the national sovereignty intact, and to guard the rights of citizens against the excesses of ecclesiastical authority, the government counts on your support; and, without abandoning the moderation employed till now, shall succeed in putting an end to a conflict as injurious to social order as it is to the true interest of religion.

The public receipts diminished in some provinces in the beginning of the current fiscal year, but it is not anticipated that their total will fall below the previous estimate. Notwithstanding the increased expense through the recent improvements authorized and the renewal of part of the material of the army and navy, it is calculated that this fiscal year and the preceding one will show surplus revenue.

Agriculture, our principal and bountiful industry, demands from your intelligence provisions that will promptly remove the greater obstacles with which it is struggling. The deficiency of loan establishments is felt, to afford the planters, on conditions not onerous, the money they require for the perfecting and developing of their labors. The new contract with the Bank of Brazil is becoming beneficial, but all the provinces are not included in the bank's circumscription, nor are its means sufficient for all.

Last year you adopted various important resolutions. I feel assured you will continue in that course, and will consider, in the present session, other projects which your solicitude for the public good will recommend to your preference.

Popular education and instruction continue an object of the government's most assiduous cares, and a plan will be presented to you, the tendency of which will be to give a systematic and more vigorous impulse to that essential progress, to which private initiative, also, is rendering a most praiseworthy co-operation.

Electoral reform urges, and I trust you will carry it into effect this year, thereby attending to the high interests involved in the regular action of our political liberty.

The organization of the military force, and, likewise, the guarantees of individual liberty, appeal imperatively for a law to regulate impressment in a just and efficacious manner, and to remove thereby the insufficiency and abuses of the present system.

August and most worthy representatives of the nation: Every day strengthens our faith in the brilliant future of our country. Its realization will be the best recompense of our unceasing efforts.

The session is open.

DOM PEDRO II,
Constitutional Emperor and Perpetual Defender of Brazil.

No. 61.

Mr. Partridge to Mr. Fish.

[Extract.]

No. 194.]

UNITED STATES LEGATION,

(*Petropolis,*) *Rio de Janeiro, August 22, 1874.* (Received Sept. 21.)

SIR: I have the honor to acknowledge receipt of your No. 116, in relation to the refunding by the Government of the United States to that of Brazil of the money paid by the latter in the case of the *Caroline* to Mr. Webb, with the inclosed copies of notes and of the receipt by the Brazilian chargé d'affaires, and the correspondence (printed) submitted by the President, May 26, 1874.

These have been duly noted and filed in this legation.

In a conversation some time ago at the foreign office, the minister expressed to me his sense of the high and honorable conduct of this matter by the Government of the United States, and some of the foreign representatives here have spoken to me in the same sense.

* * * * *

I am, &c.,

JAMES R. PARTRIDGE.

No. 62.

Mr. Partridge to Mr. Fish.

No. 197.]

UNITED STATES LEGATION,

(*Petropolis,*) *Rio de Janeiro, August 24, 1874.* (Received Sept. 21.)

SIR: On the 18th instant notification was given and published by the minister of foreign affairs, addressed to the minister of justice, that on

the 20th of this month the consular conventions which had heretofore been in force, (having been prolonged from year to year by consent since 1871,) between Brazil and France, Switzerland, Italy, Spain, and Portugal, in virtue of which the settlement of estates of subjects of those countries dying intestate here had been made by the consuls of those countries respectively, had ceased to exist, and that, in consequence, all such rights as were thereby secured would hereafter be determined by the law of the 8th of November, 1851, (decree No. 855.)

Of this decree regulating the interference of consuls in such matters, in cases where a reciprocity was granted in their respective countries to Brazilian consuls, I have already given account to the Department in my No. 97, there stating, also, that as the matter now stands between the United States and Brazil, our consuls may still intervene, under the previous law of 1845, in the nomination of curators, &c., and to compel an account before the regular tribunals.

I have, &c.,

JAMES R. PARTRIDGE.

No. 63.

Mr. Fish to Senhor Torreão de Barros.

DEPARTMENT OF STATE,
Washington, June 26, 1874.

SIR: You may be aware that the repayment to Brazil of the amount paid to the minister of the United States at Rio de Janeiro, on the 30th of September, 1867, by three drafts on London maturing January 1, 1868, as indemnity in the matter of the brig *Caroline*, has been often made the subject of conversation between the representative of the Emperor at Washington and the Secretary of State.

I have now the honor to inform you that the President, after a careful examination of the case, has come to the conclusion that the government of Brazil is not justly responsible for the damages in this case.

It is understood that the government of His Majesty the Emperor of Brazil is of the same opinion respecting it. Under these circumstances the President regards it as the duty of the United States to repay to Brazil the amount thus received by their minister at Rio, with interest thereon at six per cent. per annum, the rate established in the proceedings between the two governments respecting the "*Canada*."

I have therefore the honor to inform you that I shall be prepared on the 1st of July next, at eleven o'clock in the forenoon, at this Department, on receiving from you an official receipt in full, to pay to you, on behalf of your government, the sum of ninety-six thousand four hundred and six dollars and seventy-three cents, being the amount of the payment above referred to, with interest at the rate of six per cent. per annum.

The amount of the original payments was fourteen thousand two hundred and fifty-two pounds sterling.

The three drafts in which the payment was made matured on the 1st January, 1868.

The time, therefore, for which interest is calculated is six years and six months.

The value of the pound sterling in the coin of the United States is fixed by law at four $\frac{8665}{10000}$ dollars.

I take, &c.,

HAMILTON FISH.

No. 64.

*Senhor Torreão de Barros to Mr. Fish.*LEGATION OF BRAZIL IN THE UNITED STATES,
Washington, June 29, 1874. (Received July 1.)

SIR: I have to-day had the honor to receive the note addressed to me by your excellency on the 26th instant, whereby you informed me that the President of the United States, after a careful examination of the claim raised by the sale of the Peruvian brig *Caroline*, had reached the conclusion that, as was thought by the government of His Majesty, my august sovereign, the imperial government was not lawfully responsible for the damages arising from the case, and that the Government of the United States had therefore determined to refund to the imperial government the amount paid by it, on the 30th day of September, 1867, to General J. W. Webb, at that time minister of the United States at Rio de Janeiro, for the settlement of that claim.

By the note to which I now have the honor to reply, your excellency requested me to call at the Department of State, on the first proximo, at eleven o'clock in the morning, for the purpose of receiving the sum of ninety-six thousand four hundred and six dollars, being the amount of the said payment, with interest at six per cent. per annum, which rate was agreed upon between the two governments in the case of the *Canada*.

Mr. A. P. de Carvalho Borges, the head of this legation, being absent on leave, has transferred to me the authorization which he received from the imperial government to receive this sum, in case of its being refunded, and I shall therefore not fail to call at the Department of State on the day appointed by your excellency for that purpose. After having given a receipt for the sum in question, I shall remit it immediately, together with your excellency's note, to the imperial government, which will be highly gratified by the just and honorable settlement made by the Government of the United States of the case of the *Caroline*.

I avail myself of this occasion to offer your excellency the assurances of my highest and most respectful consideration.

I have, &c.,

BENJAMIN F. TORREÃO DE BARROS.

CENTRAL AMERICAN STATES.

No. 65.

*Mr. Williamson to Mr. Fish.*No. 23.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, September 14, 1873. (Received Nov. 4.)

SIR: I have the honor to transmit herewith copies of the correspondence between the minister of foreign affairs and myself, in regard to the celebration to-morrow of the fifty-second anniversary of the independence of Central America. It is my purpose to avail myself of the opportunity to discuss our proposed centennial celebration, and also to touch upon, as adroitly as I can, the advantages that would result to Central America from a union of all the states under one government. I have

discussed this latter subject in an unofficial way many times, both in Costa Rica and here. The universally professed sentiment is in favor of the union, except among the office-holders. They speak of it as desirable, but impracticable owing to local jealousies, differences of indebtedness, difficulties of intercommunication, &c. As the office-holders control the people, it is not probable at present that any action will be taken by the governments looking to union. In my opinion, from information received up to this time, there may be a probability of effecting a union between Guatemala, Salvador, and Honduras, if their present governments continue in power for a few years; but I think Costa Rica prefers isolation or a union with Colombia. * * * *

I have, &c.,

GEO. WILLIAMSON.

[Inclosure 1 in No. 23.—Translation.]

The Secretary of Foreign Affairs to Mr. Williamson.

GUATEMALA, September 13, 1873.

SEÑOR: The secretary of foreign affairs has the honor to advise you that on Monday, the 15th of the present month, the flag of the republic will be hoisted on the national palace in celebration of the independence of Central America.

To his Excellency GEO. WILLIAMSON,
Minister Resident of the United States of America.

[Inclosure 2 in No. 23.]

Mr. Williamson to the Minister of Foreign Affairs.

UNITED STATES LEGATION AT CENTRAL AMERICA,
Guatemala, September 13, 1873.

SIR: I have the honor to acknowledge the receipt of your note of this date, informing me the flag of the republic of Guatemala will be displayed at the national palace on the 15th instant in honor of the celebration of the fifty-second anniversary of the independence of Central America. Anticipating this commemoration of the glorious event to be celebrated, I have already taken steps to show the profound sympathy of my Government, and of the people of the United States. Speaking for them, I congratulate the people of Guatemala on this fifty-second return of the grand day on which they declared their independence of monarchical power, and resumed the sovereignty which of right belonged to them.

With assurances of my distinguished consideration, I have, &c.,
GEO. WILLIAMSON.

To his Excellency MARCO A. SOTO,
Minister of Foreign Affairs.

[Inclosure 3 in No. 23.—Translation.]

Señor Soto to Mr. Williamson.

GUATEMALA, September 13, 1873.

SEÑOR: On Monday, the 15th of the present month, we celebrate the fifty-second anniversary of the independence of Central America. If it be agreeable to you it will afford us much pleasure to have your company at the singing of the Te Deum, which will take place in the cathedral at half-past nine in the morning of that day. You are requested, in case you accept the invitation, to meet the ministers of the government and other officials at the national palace at the above-mentioned hour.

With sentiments of the most distinguished consideration, I have the pleasure again to subscribe myself your attentive servant,

MARCO A. SOTO.

[Inclosure 4 in No. 23.]

*Mr. Williamson to Señor Soto.*UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, September 13, 1873.

SIR: I have the honor to acknowledge the receipt at this moment of your excellency's distinguished favor inviting me to be present at the celebration of the Te Deum at the cathedral of this city on the 15th instant, in honor of the fifty-second anniversary of the independence of Central America. The event you celebrate on the 15th instant is so great in its historical importance that, in behalf of my countrymen, I venture to express the sincerest congratulations, and a cordial wish that Guatemala, with each returning anniversary of her independence, may feel an increasing pride in her realization of the supreme benefits of true republicanism.

With assurances of my most distinguished consideration, I have, &c.,
GEO. WILLIAMSON.

To his Excellency MARCO A. SOTO,
Minister of Foreign Affairs.

No. 66.

Mr. Williamson to Mr. Fish.

[Extract.]

No. 27.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, September 23, 1873. (Received November 4.)

SIR: I have the honor to inform you that there is but little doubt now that the attempted revolutionary movement of Palacios and his associates against Guatemala, Honduras, and San Salvador has been a signal failure; as all the operations are conducted upon the Caribbean side, and it is impossible to get reliable information here, it may be rather hazardous to say "there is but little doubt." I hope the consul on that coast has kept you informed, as it has been impossible for me to have done more than to waste ink and paper in the transmission of flying rumors current to-day and contradicted to-morrow. It is highly probable General Palacios was largely assisted with advice, information, and funds by those

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who are now in Nicaragua. I am also apprehensive he might have received assurances of aid from the present government of Costa Rica in the event of his success appearing probable. It has also been stated, but I hope without any foundation whatever, that he was assisted by the owners of the General Sherman, the Messrs. Keith, who are the contractors for the construction of the Costa Rica Railroad. His failure has resulted from several causes, the first of which is his lack of military knowledge and prestige. Second, the slowness of his movements and their advertisement in advance. Third, there is no such thing as a revolution by the people in Central America. Fourth, the party upon which he relied to help him, in Guatemala particularly, had been so intimidated by the severe measures of President Barrios, that they could not find courage to organize. I mean by this party, the majority of the old and wealthy families and the more respectable of the clergy.

The government of this republic presents an anomaly in its administration. The constitution having been abolished before a new one was made, and the constitutional Congress having adjourned before completing its work, Guatemala finds herself to-day without either a written constitution or one such as England. Her chief magistrate, President Barrios,

was elected, I am informed, by an insignificant vote. * * * * I am told by what ought to be good authority that at the election of last spring the number of votes cast for President was about 900, and that President Barrios received 600 of that number. And yet his government seems strong—so strong that he does not appear to fear revolutions—and has actually decreed that the church property and proceeds, together with what I understand to be property of charitable institutions, shall be taken out of the hands of the present administrators and placed under the management of certain-named gentlemen for the purpose of creating a bank. Although I have been using every reasonable exertion to ascertain whether he has a strong hold upon the affections or respect of the laboring classes, I cannot learn that he is very popular with them.

* * * * I think his strength lies where that of any popular leader of this country lies, in the army and officials. His reputation as a successful guerrilla chief, and subsequently as a general, is good, and, judging from observation and from what I learn of reforms he has introduced into the army, I think he is devoting much of his time to that branch of the service, and leaving civil affairs to his ministers.

These officials are, as a general rule, men of ability, and the chief of the cabinet, Mr. Samayoa, enjoys the reputation of being a man of fine education and rare talent. He is, I know, agreeable and intelligent. The general apathy of the people in regard to public affairs, together with the stern measures of repression adopted by President Barrios, incline me, with my present information, to the opinion that he is not likely to be overthrown by a revolution that will occur in a year or so. * * * I must add that I have not yet heard a foreigner express any other opinion of President Barrios's administration except that he understands how to govern his people, and that there will be peace and quiet as long as he is President.

I have, &c.,

GEO. WILLIAMSON.

No. 67.

Mr. Williamson to Mr. Fish.

[Extract.]

No. 29.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, September 28, 1873. (Received November 4.)

SIR: I have the honor to inform you that the opportunity of quite a long and free conversation has been afforded me with President Barrios, his chief minister, Mr. Samayoa, and the minister of foreign affairs. It occurred at the house of the President. Our first subject of discussion was civil marriage. Certain Swiss citizens had applied to me to marry them, under the impression they had the same rights that American citizens have. I informed them that according to my construction of the Circular No. 15, and of international law, the citizens of Switzerland in Guatemala, by reason of the act of their government in asking the protection of our minister here to be extended to them, and the consent of the government of Guatemala that such protection should be extended, were in nowise changed in their relations to their own government or to mine; that the only object sought to be accomplished, or that could be

accomplished, by the asking and granting said protection was that the good offices of my government should be interposed in behalf of the citizens of Switzerland whenever this could be legitimately done without injury to my own Government; that the right of American citizens to be married at the legation, or rather the right of the minister to celebrate the marriage of such citizens of his country in Guatemala, was derived exclusively from that extraterritorial jurisdiction granted by international comity and sentiment by consent and law. Hence I declined to celebrate the marriage as requested, but promised myself to present the matter to the government of Guatemala in an unofficial way, if the Swiss gentleman could afford me the opportunity of doing so without impropriety, by addressing a letter to the proper authority requesting that a decree be issued authorizing him to be married by any civil magistrate of Guatemala. The Swiss did so, and in the interview with the President and members of his cabinet, which I am attempting to describe, the subject of civil marriages was presented and discussed. I took the liberty of saying: In my country we were opposed to all special legislation, and therefore upon principle I could not advocate the issuance of a decree for the benefit of the Swiss citizens whose case had given rise to the discussion, but that in our opinion, which was sustained by the legislatures of the most civilized countries of Europe, and by the advanced ideas lately promulgated in laws by the neighboring state of Mexico, marriage was a civil contract, and should be permitted to be entered into by strangers in Guatemala as any other contracts, by the consent and act of the civil authorities, whether the clergy were disposed or not to assist; it was a sacrament and without effect unless they secured their fees by pronouncing the benediction.

President Barrios expressed his hearty concurrence in these views, and said he would issue the decree to morrow authorizing civil marriages between foreigners residing in Guatemala. He said he hardly thought the time had arrived for him to extend this privilege of civil marriage to his own people. I replied, it would in all probability soon come; * * * * that in our country we considered the civil law supreme, and would neither furnish a hierarchy of Romanists or Protestants to assert that its sanction was necessary to give validity to a contract which the law pronounced good. * * * * I then said there were three rivers in Guatemala which I thought my government, with the permission of Guatemala, would be glad to have explored, if the Government of Mexico would give its joint consent to the exploration of one of them, the Usumacinta, which empties itself through Mexican territory into the Bay of Campeachy. The rivers alluded to, running entirely through Guatemala soil, are the Motagun and Potochic, both flowing eastward and emptying into the Gulf of Dolce and Bay of Honduras. Both are reputed to be navigable for a considerable distance, and the former is said to be navigable at all seasons for vessels drawing six feet up to a point within fourteen leagues, or forty-two miles, of this city. The President and ministers said the government would be glad to grant the permission, if asked. I remarked that we should also, probably, wish to sound, explore, and map such portions of the coast of Guatemala as were adjacent to the Gulf and Bay of Dolce. They said there would be no objection, and would be gratified if the United States would undertake the work. I replied, I would communicate with you on the subject before opening my correspondence with them in regard to it. The three rivers named, the Usumacinta, Potochic, Motagun, if navigable, as reputed, are very valuable as commercial outlets of the trade and products of Guatemala and the provinces of Tabasco and Chiapas to the ports of

the Gulf of Mexico and the Caribbean Sea nearest our cities on the Gulf coast. I recommend to your consideration, therefore, whether it would not be advisable to address the Secretary of the Navy upon the subject of the explorations mentioned, after taking the views and instructions of the President thereon.

* * * * *

I have, &c.,

GEO. WILLIAMSON.

No. 68.

Mr. Williamson to Mr. Fish.

No. 34.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, October 4, 1873. (Received November 4.)

SIR: I have the honor to inclose you herewith a decree of President Barrios authorizing civil marriages in Guatemala among foreigners residing here. It is a step in the direction of liberalism which I hope will soon be followed by one which will place the right of civil marriage within the reach of the citizens of Guatemala who are disposed to avail themselves of it. At present Roman Catholic supremacy feels able to assert its power to such a degree that notwithstanding the decree was issued and the church party stands in awe of the rude but prompt measures of President Barrios, the Swiss gentleman, Mr. Grubber, reported to me he was unable to find a civil magistrate in this city who would consent to solemnize his marriage. I advised him strongly to leave no exertions untried to have his marriage contract entered into before a civil magistrate, and tried myself to get an officer to perform the act. Not one objected on religious grounds, but all feigned or presented excuses of one kind and another, thus conveying to my mind the impression they feared the responsibility. Up to this point my mind was decided not to celebrate the act of marriage in person, but being urged by the Swiss citizen, I consulted with President Barrios, his chief minister, Mr. Samaoya, his minister of foreign affairs, Mr. Soto, and also with a prominent lawyer, Mr. Ramirez, ex-minister of foreign affairs, and, after having taken the friendly consultation of the minister of Her Britannic Majesty, Mr. Edwin Corbett, I consented to celebrate the marriage at the legation. Such an event was too important both in its relations to the parties and to our government to be entered upon unadvisedly, and, although my own opinion was adverse to the validity of the act of marriage, I consented to yield to the opinions expressed, and to perform the ceremony at the legation to-night in the presence of the distinguished persons named. The Duke d'Langrand, chargé d'affaires of Italy, and Mr. Cabarrus, chargé d'affaires of France, promise to be present with their families, although they are Roman Catholics. They also promise to sign the act of marriage as witnesses, and under their authority I have prepared a *proces verbal* which has their names inserted as acting in that capacity.

The President, Barrios, his chief minister, Samaoya, his minister of foreign affairs, Soto, all say they will be glad to lend their presence to such a ceremonial.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure.—Translation.]

Decree.

The President of the republic has thought fit to issue the following decree, No. 105 :
 J. Rufino Barrios, President of the republic of Guatemala, considering that the liberty of religious worship having been decreed, as a natural consequence of such decree marriage contracted between persons professing a different religion from that which predominates in this country will be recognized as valid. That such recognition, founded in the principle of toleration adopted lately in the republic, tends to remove one of the principal obstacles which the existing legislation offers to foreign immigration.

Decree.

Article 1st. Marriage contracted between foreigners residing in the republic in accordance with the laws of their respective nationalities, are valid, even when in such celebrations the forms and requisites which are in force in Guatemala are not observed.

Article 2d. Such marriages shall be productive of the same civil effects as the law recognizes to the natives of the country who marry in accordance with its laws.

Article 3d. For the purpose of establishing and registering such acts, and while the law upon civil registry is being prepared, the contracting parties will present to the ministers of the government within the termination of one month, counting from the date of the marriage, an authentic certificate of its celebration; with these documents a book will be formed, which will be in charge of the clerk of the high court of justice, from which can be taken the required certificates.

Given at the National Palace in the city of Guatemala, October 2, 1873.

J. RUFINO BARRIOS.

No. 69.

Mr. Williamson to Mr. Fish.

No. 35.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, October 6, 1873. (Received November 4.)

SIR: I have the honor to inclose herewith the correspondence between the secretary of foreign affairs and myself in regard to the report of the consul at Guatemala about the actions of the General Sherman, and the bombardment of Omoa by the British man-of-war Niobe. It is proper for me to mention that the report is but a written declaration of the verbal statement made to me by the said consul at the President's house, at the invitation of the President and in the presence of the chief members of his cabinet. At my suggestion it was reduced to writing. The British minister, Mr. Edwin Corbett, also did me the honor to read to me the report made to him by a Mr. Bain, who was acting as vice-consul of Her Britannic Majesty at Omoa at the time of the occurrences referred to. The two statements correspond as to the conduct of the "Sherman," and do not, in my judgment, vary materially as to the bombardment, except that in the British statement very great prominence is given to the sacking of Omoa, and insult to the British flag, and trespass upon the (so-called) British soil of the island of Zapodilla, when the authorities of Honduras (General Straeber commanding) captured the Spanish and Portuguese consuls there.

In the absence of any report from our own consul at Omoa, Mr. Chas. R. Follin, I have had to rely upon their statements in order to make up an opinion on the subject. I wrote to Mr. Follin, but presuming he lived at one or the other of the ports to which he is nominated as consul, I addressed my letter wrong. It seems he does not reside at Omoa or Truxillo, but a little village opposite the village of Puerto Cadballo. Hoping that it may not be considered improper, but on the contrary perfectly proper, that I should give you my opinion, I beg leave to say that I am compelled to believe the captain of the Sherman has

unjustifiably and outrageously abused the flag of our country, and also that General Straeber's conduct in the sacking of Omoa and pillaging (or allowing to be pillaged) the British consulate was disgraceful, to say nothing of his barbarity in firing upon a party from the General Sherman, which, under a flag of truce, approached the fortress of Omoa to accept its delivery according to previous arrangement with the treacherous fellow who was in command. This fellow's name I have been unable to learn. Whether the said party was composed of filibusters or not does not alter the barbarity of slaughtering in cold blood human beings who had a right to believe they were protected by a white flag, and who, relying upon the sanctity given by such protection among civilized nations, placed themselves at the mercy of their slayers. I also venture to recommend that the General Sherman be seized. Is she not a pirate? If the reports about her repeated changes of flag be true, and she is an armed vessel of a private person, General Palacios or any of his confederates, and is being used for hostile purposes against peaceful states, would she not be rightfully classed among those piratical vessels in the possession of a crew and acknowledging obedience to no flag whatever, but, in defiance of all law, levying war for purposes of private gain? It occurs to me she could not complain of such a classification, if the statements made in regard to her are true. I venture to throw out the suggestion.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure 1 in No. 35.—Translation.]

Señor Soto to Mr. Williamson.

GUATEMALA, October 4, 1873.

SEÑOR: I have the honor to inclose to you the certified report of Señor Don Delfino Sanchez, our consul at the establishment of Belize. From this document you will be able to inform yourself concerning the principal facts of Pallacio's expedition, and especially the facts concerning the abuse of the American flag and of the strange behavior of the American vice-consul. I hope that you will transmit the report to your Government, and in the meanwhile, with your known disposition for justice, you will take whatever steps in your power to put a stop to the evils occasioned to the governments of Guatemala and Honduras by the expedition, which is assisted, directly or indirectly, by agents and citizens of the nation which you so worthily represent.

With the most distinguished consideration, I have the pleasure to subscribe myself your humble servant,

MARCO A. SOTO.

To his Excellency the Hon. GEO. WILLIAMSON, &c.

[Inclosure in 1 in No. 35.—Translation.]

Report of the consul of Guatemala at Belize.

Having been honored by the supreme government of the republic as consul to the establishment of Belize, I arrived at that place about the end of last July.

I immediately presented to the lieutenant-governor my credentials, and was recognized provisionally in the character of consular agent of Guatemala while the customary exequaturs should be received from England. I am happy to be able to state that my reception by the lieutenant-governor was truly frank and cordial, showing on his part a spirit of consideration and friendship for the republic of Guatemala which was confirmed afterward by acts conducive to the peace and general welfare of this republic which I will mention presently.

In compliance with one of the principal charges in the mission which I carried to Belize, I went to the lieutenant-governor's, soliciting the embargo of the armament which is in the house of Guild & Co. This armament, as the government knows, was

brought from the United States for Vicente Cerna, to be employed in hostilities against this republic; but when he wished to carry them away from Belize they were not delivered, because our minister in England had interposed and obtained a retention. Afterward, when that retention had been countermanded by the same English government, there appeared in the Belize waters the steamer Gen. Sherman, with the American flag flying, claiming the arms for the purpose of carrying them off; the consul of Honduras, Señor Nutrie, affirming that Don Vicente Cerna sold these arms to the president of Costa Rica, Thomas Guardia, presenting in corroboration a letter from Señor Cordez, vice-consul of that republic in Colon. Notwithstanding, the governor would not permit the arms to be delivered, being certain that they would be used against this republic, as they surely would have been, as is proved by the warlike acts of the Gen. Sherman immediately after her departure from Belize. The house of Guild & Co., in view of the governor's negative, presented him a writing, with the view, perhaps, of bringing charges against him for these proceedings. The governor then, with the advice of his council, prohibited for the space of six weeks the exportation of all material of war in consideration of the state of invasion of the coast of Guatemala and Honduras, which disposition was legalized by reason of the continuance of the same causes which prompted the act. By that very just and loyal disposition the governor of Belize has given to these republics menaced by filibusters a proof very much to be appreciated of his good intention not to permit those who are disposed to war against us to have direct or indirect assistance from the establishment, which is now at peace with us and desirous of maintaining the best political and commercial relations. I can add with satisfaction that that proceeding, so favorable to the order and good of these republics, does not altogether ensue from the good spirit of English legislation, but principally from the honor and impartiality of the lieutenant-governor and his council, who, understanding perfectly the purposes why the arms were wanted, did not permit themselves to be surprised into delivering them on frivolous pretexts or menaces. In order to explain the foul measures adopted by the invaders, headed by Palacios, for recruiting men in Colon, I will give a few dates and facts obtained from the attorney-general of the Queen in Belize, which will elucidate the subject. At my request, he gave me the following: Some natives of Jamaica, and English subjects which were in Colon, were asked by Captain Gordon to be employed in the Sherman, telling them that the vessel was his by virtue of purchase, and carried the American flag. Twelve of them agreed to go for six weeks to the port of Limon and Belize, not suspecting that the voyage was of a hostile character. In Colon about forty embarked with them as passengers, among whom was one they called General Palacios.

From Colon they went to the port of Costa Rica, where they met a schooner which carried the flag of Costa Rica, from which was transferred to the Sherman a great number of boxes; some were long boxes, which contained Remington rifles. They then proceeded to the Key of Culabra, in the colony of Belize, where were disembarked the greater part of the passengers, the steamer proceeding to Belize, where she remained a few hours, while Captain Gordon went on shore and returned with some provisions. On returning to the key, several boats came to her from Belize, bringing the Englishmen Morgan and Garnier, the Americans Tracy and Clotter, and various others. Those who were left at the key were re-embarked. They then commenced to open the boxes which were taken from the schooner and to arm the passengers; they then proceeded, flying the American flag, to the islands of Utila and Ruitan, taking prisoner the governor of the latter, leaving in his place the Englishman Garnier, who obliged the inhabitants to take arms and embark on the Sherman for Truxillo, which place they took, always flying the flag of the United States. After they had disembarked, there took place a little firing, when Colonel Oriza was killed. Two days after the taking of Truxillo was celebrated the installation of the government of Honduras, which they called "legitimate constitutional," and they also changed the name of the steamer to "Col. Oriza," and hoisted the Honduras flag. From here they went to Zapotilla Key, where they took a sloop with a Colonel Lubin, six soldiers, and two Spanish subjects, keeping all in confinement except the Spaniards, who were free. They went to the port of Cortes and Omoa, having also made a trip to Livingston and Santo Tomas, where they took by force about thirty men. At the port of Cortes the witnesses to the above report demanded to be dismissed, as their time of contract had expired and they had no wish to belong to any filibustering expedition. These men testify that they went to the vice-consul of the United States, Mr. Brinton, to complain against Captain Gordon for the swindle which he had put upon them, and that this functionary refused to receive any information whatever upon the matter, and even advised them to desist from their intentions. That which proves the partiality of the United States vice-consul is his reply made to the lieutenant-governor's observations in regard to the Sherman and the arms, that there was nothing to fear, since the papers which she carried were all regular, when it is known to the undersigned that she had no papers whatever. Another event upon which I deem it necessary to enlighten the government is the bombardment of the castle of Omoa, which was done by the captain of the English ship Niobe. The captain of this vessel communicated to Gen

eral Straeber the peremptory demand to deliver the sum of one hundred thousand dollars as a guarantee for the losses sustained by English subjects at Omoa when that place was sacked by his permission, the immediate surrender of the English subjects held as prisoners in the castle, and the salute of twenty-one guns to the English flag. General Straeber requested an interview, which was denied. He then sent Gen. Mariano Alveres to inform him that the demands were altogether unjust; that he had no money; that he was not responsible for the losses of the English citizens, but the government of Honduras; and that, inasmuch as he could not submit to such demands, he protested against the threat of bombardment. The captain of the ship then modified his demand to fifty thousand dollars, the delivery of the prisoners, and the salute to the flag, giving until two in the evening of that day, the 19th of August, to decide, when, unless satisfied, he would commence the bombardment. Not being able to give the satisfaction demanded, the bombardment commenced at a quarter after four, and continued until six; commencing next morning at four and continuing to half past five, when they ceased, on seeing the white flag on the fort. That entering on a new arrangement, the captain remained satisfied with the delivery of the prisoners and a document signed by General Straeber obligating the government of Honduras to pay all losses claimed, and dispensing with the salute of twenty-one guns. This salute was required by the captain of the Niobe in satisfaction for supposed outrages toward the English consulship in Omoa, which was in charge of Señor F. Debrot, he having abandoned Omoa some time before, even before any hostile demonstrations took place, and went to Belize, leaving in charge Mr. Baine, the director of the railroad of Honduras, who resides in Porto Cortes. It was not then possible to have outraged the consulship when the person who was in charge lived in another place. This Mr. Debrot knows very well, that he, more than any other, has assisted Palacios, and that he abandoned Omoa, fearing the consequences of a toast made in public in favor of J. M. Medina, ex-president of Honduras. General Alveres remained on board the Niobe, and says that he met the vice-consul, Mr. Baine, who he believes to be complicated in favor of Palacios, since it is a fact that the forces of the latter used the trains on the railroad to carry on the war, using one of the cars with a mitrailleuse during the battle at the Chemilicon, and after the defeat to carry off their wounded. He also provided the Sherman with engineers and coal belonging to the same road.

There is nothing more at present of any importance to report.

Your obedient servant, &c., &c., &c.,

DELFINO SANCHEZ.

[Inclosure 2 in No. 35.]

Mr. Williamson to Señor Soto.

UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, October 6, 1873.

SIR: I have the honor to acknowledge the receipt of your esteemed communication of the 4th instant, inclosing a copy of a report made to your excellency on the 2d instant by Don Delfino Sanchez, the consul of Guatemala at the establishment of Belize, in regard to the movements of the steamship General Sherman and the bombardment of the fortress of Omoa by the British man-of-war Niobe. This very interesting report will be promptly forwarded to my Government, and I do not hesitate to assure you that I shall recommend the adoption of such a course toward the General Sherman as will be likely to prevent her, or similar crafts, from engaging in revolutionary expeditions against any of our neighbors of Central America.

I shall also call the attention of my Government specially to the statement of the consul in regard to bombardment of Omoa; but, at the same time, it will be my agreeable duty to communicate the facts upon which the commander of the Niobe (as I understand) rests his justification for bombarding the fort of a friendly power without having first afforded the government an opportunity to make redress for the wrongs complained of. It is probable the government of your ally and our friend, Honduras, will put me in possession of the statement or report of its commanding officer at Omoa, General Straeber.

Before concluding this communication, I beg to thank your excellency for the copy of the report of your consul, and to renew assurances, heretofore given, that my Government takes the most lively interest in all matters that concern the peace and prosperity of Guatemala and the other states of Central America, and cordially sympathizes with their governments in their efforts to suppress factious disturbances of public order.

I have the honor to assure your excellency of my distinguished consideration, and to subscribe myself your obedient servant,

GEO. WILLIAMSON.

His Excellency SENOR LIC'DO DON MARCO A. SOTO,
Minister of Foreign Affairs, Guatemala.

No. 70.

Mr. Williamson to Mr. Fish.

No. 36.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, October 6, 1873. (Received November 4.)

SIR: I have the honor to inclose herewith a certified copy of the proces-verbal of the act of marriage solemnized by me at this legation, on the evening of the 4th instant, between the parties and in the presence of the witnesses therein named.

In my dispatch No. 34 I have entered so fully into this subject, and the proces-verbal so fully discloses the reasons upon which I acted, together with the names of the distinguished witnesses present, that it seems to be unnecessary to say more at present. Whether the marriage is valid or not, I can declare that I have not allowed myself to be made the instrument of caprice, unless I have been grossly deceived by the legal opinion of a distinguished lawyer of this republic. The ceremony, which took place at the legation, was attended by the President, his premier or chief minister, Mr. Samayoa, and minister of foreign affairs, as well as by the British minister and French and Italian chargés d'affaires and other persons named in the certificate or proces-verbal. I have returned a copy to this government, handed an original to the bride, handed a copy to the bridegroom to be sent to his government, send you one herewith, and have filed one in the legation.

This important event of a civil marriage in Guatemala at this legation will, I trust, prove a happy one to the bridal pair as well as the beginning of more liberal legislation upon the subject of marriage than has heretofore been existing in this country.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure.]

UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, October 4, 1873.

To all to whom these presents may come, greeting:

Be it known that, by virtue of a license granted by his native country, Switzerland, to Guido Gruebler, esq., to have the act of marriage between himself and Miss Elvira del Carmen Sauvat celebrated before a consul of the United States, or by a minister resident or plenipotentiary of the United States of America in Guatemala, and by reason of the fact that the citizens of Switzerland in Guatemala are under the protection of the American legation, and also by reason of the fact that decree No. 105 of the government of Guatemala is construed by the highest officials of the republic to authorize said marriage to be performed by me, and, further, by reason of the fact that the parties referred to in said act of marriage, after having been fully informed by me of all objection that might be made to the validity of this said act, still insist that it should be so celebrated, and furnish me with the opinion of an eminent lawyer of Guatemala, Don Manuel Ramirez, ex-minister of foreign affairs, that said act of marriage would be legal, I proceeded, in the presence of Señor Don J. Rufino Barrios, President of the republic of Guatemala, and in the presence of Don José Maria Samayoa, minister of war and of the department of improvement, and Señor Lic'do Don Marco A. Soto, minister of foreign affairs, and of Mr. Edwin Corbett, minister resident of Her Britannic Majesty, and of Mr. J. Tallien de Cabarrus, chargé d'affaires of France, and of the Duke de Licignano, chargé d'affaires of Italy, and of Mr. Frederick C. Augener, consul of the German Empire, and of Henry Houben, esq., consul of the United States of America, and of Mr. John Morrell, a citizen of the United States, and other persons then present, those specially named herein subscribing their names hereto with me and the said Guido Gruebler, esq., and said Miss Elvira del Carmen Sauvat, to celebrate the act of marriage between said Guido Gruebler, aged 31 years, born the 20th of November, 1842, in St. Gallien Canton, in Switzerland, and said Miss Elvira del Carmen Sauvat, aged

22 years, born in the city of Santiago, Chili, in the month of August, 24th, 1851, both now residing in the city of Guatemala, in accordance with the forms and rites of the Episcopal Church of the United States, at the legation of the United States in the city of Guatemala, and republic of Guatemala, on the 4th day of October, in the year of our Lord one thousand eight hundred and seventy-three, and Independence of the United States the ninety-seventh.

In testimony whereof I have hereunto affixed my signature and seal to three (3) certificates.

ELVIRA SAUVAT.
GUIDO GRUEBLER.

Attest :

J. RUFINO BARRIOS.
J. MA. SAMAYOA.
MARCO A. SOTO.
EDWIN CORBETT.
J. TALLIEN DE CABARRUS.
G. ANFORA LICIGNANO.
FRED. C. AUGENER.
HENRY HOUBEN.
JNO. MORRELL.

[SEAL.]

GEO. WILLIAMSON,
Minister Resident of United States to Central America.

No. 71.

Mr. Williamson to Mr. Fish.

No. 37.] UNITED STATES LEGATION IN CENTRAL AMERICA,
STEAMSHIP HONDURAS, OFF ACAJUTLA,
San Salvador, October 12, 1873. (Received November 4.)

SIR: I have the honor to inform you that the day before I left Guatemala, (October 9, 1873,) it was officially communicated to me by Mr. Samayoa, prime minister of President Barrios, that news had just been received that Palacios was still at Puerto Cabello and had about five hundred men; that he had furnished a military chief called Barrona (who had some reputation as a sort of barbarous guerrilla) with arms and about fifty men; that this man had marched to a point within a few leagues of Comayagua, and having gathered on the way about four hundred additional men, gave battle to the troops of Honduras and defeated them. He was not strong enough to pursue his advantage, but was threatening Comayagua, where President Arias was with about four hundred men, who had no military commander of any experience. He also stated that he believed Arias would be overthrown unless the troops of Guatemala and San Salvador arrived in time to save him. He said Guatemala had dispatched into Honduras five hundred men in addition to the seven hundred she already had there, and that San Salvador had sent one thousand. He also expressed the opinion that Medina, the ex-President of Honduras, who has been for a long time held as a prisoner at Comayagua, had been shot. All these statements were corroborated by information conveyed to me on the same day, in unofficial conversations, by the British minister and the French and Italian chargés d'affaires. These gentlemen also expressed an opinion, which I had also formed, that the main object of Guatemala and San Salvador in sending troops into Honduras was to suppress the revolution inaugurated by Palacios, but that when that point was gained the two governments would unite to compel President Arias to resign, so as to give way for a man of respectable talents and character, called Ponciano Leiva. This

person was at one time minister of foreign affairs under Medina, in which position he acquitted himself very well. The complaint of the governments of Guatemala and San Salvador against President Arias is, that he is unpopular and inefficient. I know nothing of the justice of this complaint, but my information is that he is a lawyer of fair reputation and has neither military skill nor tastes.

I postponed writing from Guatemala so as to be able to gain further information at this port. Here I am told President Medina has escaped and joined the troops of San Salvador, and that San Salvador has sent two thousand instead of one thousand troops into Honduras, and, moreover, that it is reported the forces of Palacios are scattered in the mountains around Comayagua.

* * * * *

You are too familiar with the difficulties of obtaining reliable information here to feel any astonishment if all the facts and inferences above set forth should prove incorrect.

I expect to arrive at San Salvador to-morrow.

I have, &c.,

GEO. WILLIAMSON.

No. 72.

Mr. Williamson to Mr. Fish.

No. 42.] UNITED STATES LEGATION IN CENTRAL AMERICA,
San Salvador, October 18, 1873. (Received Nov. 18.)

SIR: I have the honor to inform you that, in accordance with the appointment, communicated to you, to-day at 12 o'clock I was admitted to a public audience by the President of this republic, and delivered to him my letter of credence, accompanied with an address, a copy of which is inclosed. I also inclose you a copy of his reply, and beg to call your attention to the importance he professes to attach to my quotation from your report to the Senate, dated July 14, 1870. I believe the words made a highly satisfactory impression on him, as in our subsequent conversation he alluded to them as the first authoritative expressions of that kind he had ever heard of the policy of my Government to the Central American States.

The reception was very handsome and very cordial. In fact, although I have given more of the special details of my receptions at Costa Rica and Guatemala, for fear of its being thought I was weak enough to attribute to my own personal qualities too large a share of the honors extended, it seems due to the Department that I should mention as a fact of political significance that my receptions by the President and officials, native and foreign citizens of the states I have visited up to this time, have been attended with a hearty cordiality, indicative of the constantly increasing influence and authority of our country abroad, and particularly in these states.

The President invited me to a banquet to-morrow at 11 a. m., which is to be attended by the officials, and by the deputies of the Congress, which has just adjourned. I accepted the invitation.

President Gonzalez impresses me favorably. He has a good face and a frank manner. He talks well and expresses the most profound admiration for our Government and people. Like Barrios and Guardia, of Guatemala and Costa Rica, he belongs to the liberal party, is in favor

of immigration and of cultivating the arts and sciences, and of the most rapid development of the country that a prudent regard for its resources will allow. He expressed great regret that he could not offer me a house in San Salvador. As I am staying in one of his houses now, I took occasion to thank him for the hospitality already extended and to say that I hoped to be frequently in San Salvador during my official term.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure 1 in No. 42.]

Address of Mr. Williamson to President Gonzalez of Salvador.

MR. PRESIDENT: The President of the United States, having conferred upon me the high honor of accrediting me as minister resident to Central America, has made me the bearer of a letter of credence to your excellency, which I now have the honor to deliver. It may be almost idle for me to add to the words contained in the letter my assurances of the good will of my Government and countrymen for the people of San Salvador. They have had the continual sympathy of the people of the United States in the steady advance of their political and material progress since 1821. Neither my Government nor my countrymen can forget how much gallant blood San Salvador has shed since 1823 until now to defend her liberties against the insidious designs of infatuated partisans, who seemed to believe they were created to call themselves to office rather than be called by the popular voice. San Salvador has played so conspicuous a part in Central American politics that I hope I may be excused for quoting words to you, Mr. President, which the Secretary of State of the United States used in a report to the Senate in regard to all the Central American states. They contain an eloquent epitome of the sentiments of my Government. He said: "A favorable time has now come for removing them, [that is, obstacles to commerce,] for laying the foundation for an American policy which shall bind in closer union the American republics. Let them understand that the United States do not covet their territories; that our only desire is to see them peaceful, with free and stable governments, increasing in wealth and population, and developing in the lines in which their own traditions, customs, habits, laws, and modes of thought will naturally take them. Let them feel that, as in 1826, so now, this Government is ready to aid them to the full extent of its constitutional power in any steps which they may take for their better protection against anarchy." In a different form, these words are but reiterations of the wish expressed in my letter of credence and conveyed in my assurance that I shall do all in my power to make more cordial the friendly relations that have so long subsisted between San Salvador and my country. Whatever I can personally or officially do to contribute to the mutual advantage and honor of our respective countries shall be most cheerfully done. And I now avail myself of this occasion to say to you and your cabinet, Mr. President, that it shall be the most pleasant part of my duty to make our relations agreeable and to work with you to make more intimate the political and commercial bonds and sympathies that naturally exist between this republic and the United States.

[Inclosure 2 in No. 42.—Translation.]

Reply of President Gonzalez to Mr. Williamson.

MR. MINISTER: It gives me great pleasure to receive from your hands the autographic letter of His Excellency the President of the United States, who accredits you as minister resident from that nation near this republic. The loyalty and honesty which characterize you, and in that the worthy Chief Magistrate of your Government has honored you with his confidence, secures the maintenance of the cordial sympathies and friendship which happily have and still exist between the people and governments of America and Salvador. The memorable words of your Secretary of State, which you have just quoted, are significant and important in the relations of both republics. The facts and ideas set forth in them clearly prove that Salvador in her divers struggles against the enemies of her progress, and in her constant efforts to destroy the reactionary elements which have for so long infested her bosom, has placed a well-grounded confidence in the example of the pure republicans of the United States, who have so nobly merited this faith, as they have strived only for the cause of order, holding

themselves aloof from projects purely personal, (as you have said,) and from principles that are peculiar to those antiquated and retrogressive systems that destroy the sanctity of rights and debase the dignity of humanity. The American Union and Salvador through the same means tend to the same end, the advancement and happiness of mankind, by the elevation of his dignity and the full exercise of his liberties; that is, by the consolidation of order by means of a rational and judicious enforcement of authority. The sympathies and friendship that have such a foundation are indissoluble, and to cultivate and strengthen them has been and still is for my government an agreeable duty. In the name of the people of Salvador, I tender my thanks to the people of the United States for the benevolent sentiments which in their name you have just expressed. Personally and officially, you will meet in my government the most friendly disposition and the most lively desire to draw closer the political and commercial relations between the two peoples. I congratulate myself that the representation of the United States in these countries has been intrusted to a person of your merit, since the many worthy qualities which adorn you afford other guarantees of the good-will, harmony, and affability which should govern our relations.

No. 73.

Mr. Williamson to Mr. Fish.

[Extract.]

No. 43.] UNITED STATES LEGATION IN CENTRAL AMERICA,
San Salvador, October 20, 1873. (Received Nov. 18.)

SIR: I have the honor to inform you that the banquet yesterday was attended by a number of the representative men of this republic in addition to the President and his cabinet, and the toasts proposed and speeches made afforded me a good opportunity of witnessing the drift of the current public opinion. The first toast was offered by the minister of foreign affairs, as he said by direction of the President, to the United States, President Grant, and the United States minister present. It was accompanied by a handsome speech, in which the minister spoke of the ratification by the Congress of Salvador of the quadruplicate treaty, offensive and defensive, between the states of Salvador, Guatemala, Honduras, and Nicaragua, as a sure pledge of pacification and of security against the disturbances created by reactionary factionists. He said it was a step in the direction of the happy and glorious union that existed in the United States, and for which Salvador had always been ready to make any sacrifices. I replied, and although I spoke in English, what I said seemed to be sufficiently understood to elicit applause and to be highly satisfactory to the President, whose health I proposed, with some complimentary remarks. Quite a number of speeches were then made, the tendency of all of which appeared to put boldly forward the idea of the unification of the five Central American States. Thinking the occasion appropriate, and after inquiring of the President and others whether it could be done without offense, I proposed, after some remarks upon his life, public services, devotion to the federal principle, and unhappy execution by a misguided people on the anniversary of Central American independence, the memory of the great leader of liberalism and federalism in Central America, Morazan. It was received with an enthusiasm that was a gratifying indication that the sentiments of the popular representatives were favorable to those ideas of Central American policy which under your instructions it is my duty to encourage. All the speeches contained very handsome compliments to our country, and I believe (not from these alone) that the United States are held in profound and affectionate reverence by the leading minds of Salvador.

To-day I called upon the President and minister of foreign affairs to bid them good-by, as I leave for Nicaragua to-morrow. They were both together at the President's house. He told me the military operations of Salvador and Guatemala had been eminently successful in Honduras, with little loss of life on either side. He said his troops had defeated Barraona at La Paz, a town near but on this side of Comayagua, and had pursued them to the mountains north of Comayagua; that the factionists were few in number and completely demoralized, and he hoped General Solares, commanding the forces of Guatemala at San Pedro, would so move his troops as to prevent the factionists from reaching the seaboard near the mouth of the Uloa, off which the General Sherman was lying. He showed me a field-map of the theater of operations, and in my opinion if General Solares does not capture or disperse the defeated bands of Barraona and Palacios, it will be because he is deficient in military skill and promptitude, or because he is not well informed. I think that it is highly probable before this General Palacios and his party have found prayers * * * less efficacious than they had been persuaded to believe. The attempted revolution was not an unmitigated evil. It has resulted so far in consolidating the power of the presiding officers of Salvador and Guatemala in producing the ratification of the treaty between the four states, and will result in giving, I hope, to Honduras a constitutional President, who will be acceptable to the people, and, by his prestige as a military man, be enabled to suppress factious opposition. Various candidates' names are mentioned, but my latest information is that probably General Lopez will be proclaimed and subsequently elected. Leiva, whom I mentioned in a previous dispatch, is said to have compromised himself or been compromised by his friends recently, in connection with the movement of Palacios. The President also spoke in animated terms of the bombardment of Omoa by the British ship Niobe.

* * * * *

To-morrow I expect to leave for Nicaragua.

I have, &c.,

GEO. WILLIAMSON.

No. 74.

Mr. Williamson to Mr. Fish.

No. 49.

UNITED STATES LEGATION IN CENTRAL AMERICA,
Nicaragua, November 2, 1873. (Received Dec. 2.)

SIR: Inclosed I have the honor to transmit you a translated copy of the treaty of August 26, 1873, recently ratified by the governments of Guatemala, Salvador, and Nicaragua, and which, without doubt, will also be ratified by the new government that is proposed to be organized in Honduras.

I beg to call your attention to the fifth article, and to remark that I believe in the four states named there is a strong and growing disposition to adopt the principle of confederation. Costa Rica stands aloof now, because her people, in my opinion, are opposed to confederation with the other states.

* * * * *

I have, &c.,

GEO. WILLIAMSON.

[Inclosure.—Translation.]

Treaty concluded between the republics of Guatemala, Salvador, and Nicaragua, by General Don Buenaventura Carazo and Don Anselmo H. Rivas, in the city of Managua, on the 26th of August, 1873.

ARTICLE 1. The republics of Salvador, Guatemala, and Nicaragua pledge themselves in the most solemn manner to labor with all zeal for the consolidation of liberal principles in each one of them, lending for this purpose, mutually, all their moral support.

ART. 2. The high contracting parties, being convinced that the present administration of Costa Rica is hostile to the peace of the Central American States, pledge themselves to maintain a defensive alliance against that government. In consequence, should any of these states be invaded by forces of the government of Costa Rica, or by expeditions of any kind proceeding from that state, the other states will lend aid of all kinds that may be asked, unless they find themselves in the same condition.

ART. 3. The high contracting parties will agree among themselves in regard to the number of men which each of them must furnish to guard the frontier of Costa Rica. The auxiliary forces will be under the orders of the state, receiving aid as soon as they enter the territory of such state.

ART. 4. If all the resources shall be exhausted which are recognized by international law as indispensable to prevent disruption, and if the majority of the high contracting parties shall consider the guarantee offered by the defensive attitude mentioned in the above articles to be insufficient, an offensive alliance shall be formed, the details of which shall be settled by a separate convention.

ART. 5. The governments mentioned agree that, when the circumstances which cause this alliance shall no longer exist, they will earnestly labor for the formation of a common government for the republics of Central America, and in case they shall meet with any serious unexpected difficulties, they will take active steps to secure uniform legislation, weights, measures, and foreign representation, and will do all in their power to strengthen the bonds which unite the people of Central America.

ART. 6. The high contracting parties solemnly pledge themselves from this time forth to develop, in separate conventions, the principles laid down in the above article, in order that the bonds of fraternity which now unite them may be strengthened.

ART. 7. The republics of Salvador and Guatemala agree that, so soon as the present situation of Costa Rica shall be changed, they will take the initiative, in order that the boundary question pending between Nicaragua and that republic may be arranged in a friendly manner and in accordance with the interests of both parties, and if this cannot be done, that it shall be decided by arbitration, as stipulated between the two countries, in as short a time as possible, to the end that a stop may be put to the hostile feelings which it originates between them.

ART. 8. The high contracting parties pledge themselves to solicit the adhesion of the government of Honduras to the present treaty; also to propose its adoption to the republic of Costa Rica whenever the circumstances of her government may appear favorable and promise to be permanent.

ART. 9. The present treaty shall be ratified in due form and its ratifications exchanged at this capital within seventy days, reckoning from its date, or earlier if possible.

Having faith that each one of the high contracting parties will religiously comply with all of the above stipulations, the plenipotentiaries have signed and sealed the present treaty at Managua, on the 26th day of the month of August, in the year 1873.

BUENAVENTURA CARAZO.

A. H. RIVAS.

No. 75.

Mr. Williamson to Mr. Fish.

No. 52.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Amapala, Honduras, Nov. 5, 1873. (Received Dec. 2.)

SIR: I have the honor to transmit herewith a translated copy of a circular just received from the government of Costa Rica. For the present I shall dismiss it by inviting you to its careful perusal. * *

* * * I beg, however, to assure you I feel myself too secure in my disposition in favor of impartial justice, as well as in my determination to permit no sentiment or idea of partisanship to influence me in the discharge of my duty, to allow this circular

to elicit from me such a reply as would either compromise the Government with Costa Rica or the other four states. After having carefully canvassed the circular as well as all the facts in connection with the whole subject of the alliance, I hope to be able to write such a letter as will meet your approval.

I learn here that it is very dangerous now to travel through Honduras, and that the president, Arias, is just about to abdicate in favor of Leiva. I shall not, therefore, go to Comayagua until there is a fair prospect of my finding a government that is not just on the eve of dissolution.

I have, &c.

GEO. WILLIAMSON.

[Inclosure.—Translation.]

Circular of the government of Costa Rica.

OFFICE OF MINISTER OF FOREIGN AFFAIRS,
NATIONAL PALACE, SAN JOSE,
Costa Rica, October 24, 1873.

SIR: The official and semi-official press of Central America has published the treaty of alliance concluded at Managua on the 26th of August last between the government of Nicaragua and Don Buenaventura Carazo, representative of Guatemala and Salvador, which treaty has been approved by the congress of Nicaragua. Having this document in view, the framers of which have completely forgotten the most solemn previous conventions, the most common principles of international rights, the forms most constantly in use among nations, and every species of consideration and respect which ought to be observed among governments, especially people who belong to the same family, and who at one time formed one national body, and who in the future are destined to renew this union from the same identity of interests, the government of Costa Rica cannot remain indifferent. She must raise her voice to vindicate herself against the calumnious charges which are made against her, to repel the menaces, and to protest against the intervention of the other sister republics in matters which concern Costa Rica alone. It is to this end that the undersigned has received instructions from his government to address the other governments with whom it has relations, for the purpose of setting forth its policy respecting the other states of Central America, and of making a statement of the acts which preceded that convention, and the compacts infringed by the government of Nicaragua in concluding the same. Notwithstanding that the alliance stipulated for in the treaty appears now to be only defensive, the government of Costa Rica, however much she may desire peace, cannot delude herself, and is under the necessity of considering it offensive as well as defensive, and adopted by these three governments in opposition to her tranquillity and independence. Thus it is that she is forced to assume a position in which she must and does decline all responsibility for the consequences which may follow this treaty, so unjust and injurious to the government of a sister republic, with whom they were at peace and on terms of friendship. The administrations which governed the republic of Guatemala and Salvador having been overturned in 1871, in consequence of events which took place in that year, the government of Costa Rica hailed with joy the new administrations which succeeded, as well because of her duty to accept the governments which those people had chosen for themselves, as because of the true principles of liberty and progress proclaimed, which were in accord with the sentiments of the administration of Costa Rica. Unfortunately the peace was disturbed in the republic of Guatemala in consequence of the efforts made by the reactionists to re-establish the fallen regime. So far as Costa Rica was concerned, she only lamented this disturbance, and desired the re-establishment of tranquillity and the good of her fellow-citizens. In the mean-time, the government of that republic, so soon as it was installed, doing due justice to Costa Rica, opened official relations, which the previously existing government had for so many years refused to entertain; at the same time it accredited near this cabinet a minister plenipotentiary with whom a treaty of peace and friendship was adjusted. A short time afterward another minister was sent to change that treaty, as he professed, although this could not be done, because it had been approved neither by this government nor by that of Guatemala. It is likely that the said minister did not come to present this question. It is probable that the true object of this second mission was to endeavor to gain the aid of the government of Costa Rica for the expulsion of the reverend

Fathers of the Company of Jesus who had taken refuge in Nicaragua, since, in the course of the conferences, Minister Nerida proposed a draught of an alliance, the object of which should be the expulsion of the Jesuits, for the purpose, he said, of fixing the principles of liberalism in Central America; and in order to interest Costa Rica, he hinted that, with the intervention of Guatemala, the boundary question between Costa Rica and Nicaragua could be settled in a manner favorable to the interests of Costa Rica. The government of the undersigned did not think it well to enter into such an alliance, because it involved an act of injustice and an inconvenience. It was unjust to interfere with the internal affairs of Nicaragua, obliging her government to expel persons to whom she believed it her duty to grant an asylum, and it was inconvenient for Costa Rica and for Nicaragua that the question of boundaries, which interested them alone, should be decided by the intervention of a third party acting, not in the capacity of a friend to both sides, but as an ally of one of them only. This refusal, however, did not produce any disagreement whatever. During the stay of Minister Nerida in Costa Rica he complained to the government of two acts which, he said, would certainly affect the neutrality of this republic in the internal questions of Guatemala, and impair the harmony which existed between the two governments. He complained of the enlistment which he said was taking place in Punta Arenas, and said he was sure that the General Sherman, belonging to the railroad company, was being armed in the port of Limon for the purpose of directing her attacks against the other states of Central America. Immediately upon receiving this intimation, the government directed that all acts of hostility against any other republic for which preparations might be making in the territory or waters of Costa Rica should be prevented. These orders were more than carried out, for the commandante at Limon did not simply prohibit everything of a warlike character from being transferred to her, but he placed a guard of soldiers on board, who did not leave her until she was ready to sail, being entirely unarmed. Afterward it was published that the General Sherman had been bought from the railroad company by some emigrants, and armed in the port of Colon, United States of Colombia. The government is sure that not a single Costa Rican was found on board of her.

The government of Costa Rica was entirely ignorant of this expedition, which she is so falsely said to have aided. The minister of Guatemala was here, and an account of these measures and their result given to him. This incident neither gave occasion for reclamation nor answer, and the relations between both cabinets have continued friendly until the present time. Relations with the government of Salvador have been maintained in perfect harmony, without a question to disturb the peace. In respect to these two republics, therefore, the government of Costa Rica has no reason even to suspect that they have any motive for complaint. In regard to the republic of Nicaragua, the undersigned must confess that, although a friendly and fraternal tone has been maintained, yet at bottom a lack of cordial feeling exists on account of this boundary-question, which is being debated between the two republics. But it must be acknowledged that, if this question exists to-day, it was called into being on the part of Nicaragua, in the year 1870, by the Executive's putting in doubt, before his Congress, the validity of the treaty of limits, which was concluded in the year 1858, and which had been accepted and executed by both sides for the space of twelve years. Had it not been for this occurrence, both republics, whose interests are so identical, would have continued friendly. It cannot be denied that the question in itself is a grave one. If the treaty of 1858 should be declared null and void, as is demanded by Nicaragua, Costa Rica would be freed from the obligation, which this agreement imposes upon her, to keep aloof from the shore of the great lake and from that of the San Juan; in fact, her interest would be to recover the limits which she formerly possessed, and to which she has a right, according to ancient titles. Nicaragua, also, in view of the construction of the interoceanic canal, desires to possess this route, to the exclusion of Costa Rica. Even now she also takes the highest interest in the Colorado River, which unquestionably belongs to Costa Rica throughout its whole extent. Notwithstanding this ground for dispute between the two countries, and although on various occasions they have discussed the question with a good deal of warmth, it has been agreed on both sides never to resort to extreme measures, but to procure an amicable settlement by common consent or by arbitration, which means has lately been proposed and has been accepted by the government of Costa Rica, with the proviso that the right of Costa Rica to Guanacaste should not be called into question, for reasons stated in the President's message to the Congress of Costa Rica on the 1st of May of this year. It could not be otherwise. Between Costa Rica and Nicaragua a solemn compact exists, which precludes the possibility of war between the two republics. As this stipulation is of such vital importance in showing exactly the conduct of Nicaragua, the undersigned will copy literally the first three articles of the treaty of peace and friendship drawn up in this city on the 30th of July, 1868, between Messrs. Julian Volio and José Maria Zelaya, the first having been commissioned by the government of Costa Rica and the second by Nicaragua, which read thus:

"ARTICLE 1. There shall be constant peace and perpetual and sincere friendship between the republic of Costa Rica and the republic of Nicaragua.

"ART. 2. Never in any case, therefore, shall the said republics go to war. Should any differences occur between them, they shall furnish the necessary explanations, and if they do not settle the difficulty and re-establish a good understanding, they shall resort to the arbitration of a friendly nation

"ART. 3. If, unfortunately, any nation should go to war with Costa Rica or Nicaragua, the high contracting parties agree, in the most absolute manner, not to make an offensive alliance or to lend any aid whatever to the enemies of either of the two republics; but they declare that this does not prevent them from concluding defensive alliances for the defense of their respective territories in case of invasion."

Not having lately received any complaints from the government of Nicaragua, or any questions concerning any acts which could be interpreted as hostile to the tranquillity of Nicaragua, the government of Costa Rica ought to rest tranquil in the faith of the treaties; that is, if these have any significance in the relations among peoples and governments. Besides, the government of Costa Rica had other reasons to think that it had a guarantee from the government of Nicaragua. It felt implicit confidence in the personal character of the head of that republic, whose antecedents, in its opinion, were in favor of peace between the two republics, that he would exercise his influence, if he had any in the government, for the good of Costa Rica, instead of promoting revolutions in the neighboring republics. On account of all these antecedents, it is easy to understand why the government of the undersigned deemed the report unworthy of special attention when it was announced that the governments of Guatemala and Salvador had accredited a legation near the government of Managua. Being at peace and in harmony with both of those republics, having a solemn treaty with Nicaragua, which made war impossible, since it provided means for the settlement of any difference that might arise, this government paid no heed to the published statements which declared that the legation was hostile to Costa Rica.

Thus it was that, resting its faith on these bases, the government gave all its attention to the work of the railroad, and even thought to make it interoceanic, not only for the good of Costa Rica, but of all Central America and all the nations of the earth, when she was surprised by the treaty of alliance between the three republics, which was published for the first time in the Official Bulletin of Salvador. It is not necessary to enter into an analysis of this document, so highly offensive and menacing to the dignity, tranquillity, and independence of Costa Rica; it is sufficient simply to read it to perceive that its whole spirit is of a low, personal character that should never enter into negotiations on so grave a question. Apart from the opprobrious terms of the treaty toward the legitimately established government of a sovereign nation; apart from the calumnious accusations which it contains, there is at the bottom of it a provocation which is almost equivalent to a declaration of war, and this although not a single note had been addressed to this government asking for explanations or showing in any manner that there existed cause for complaint, so that the government of Costa Rica might have an opportunity to explain its conduct. It is surprising that the three states mentioned should have thought proper to act in violation of that which is prescribed by the laws and usages of nations in similar cases; but more especially is this surprising in the case of Nicaragua, with which country there existed rigorous compacts for the prevention of such an event. That government ought, if she had any complaint, to have addressed the government of Costa Rica, asking explanations or demanding satisfaction, and, not being satisfied with the explanations, or satisfaction having been denied, she should have resorted to arbitration, as mentioned in article second of the treaty of peace and friendship above referred to. Had the government of Costa Rica opposed all these means of conciliation, then that government would have a right to ally itself as it thought fit, and even to declare war. By acting as she has, the government of Nicaragua has openly infringed the stipulations of that treaty, and Costa Rica is justified in providing for her security and in vindicating her offended dignity without regard to the treaty. Even without having had official notice of the agreement adjusted at Managua, the chief magistrate of Costa Rica, though he had only heard rumors concerning that alliance, solemnly declared that he would not raise a single soldier in Costa Rica to go and invade any of the other states. This programme shall be maintained, notwithstanding the provocation contained in the treaty of Managua. The government and people of Costa Rica desire to work, and know too well the value of peace to permit themselves to break it thoughtlessly; but at the same time they know how to protect their territory and to preserve their independence. The government of the undersigned cannot foresee what measures prudence will counsel them to adopt for their protection. This depends upon the Rivas-Carazo treaty and the conduct of the three mentioned states; but from this time forth we decline all responsibility which may arise from the unjustifiable acts which have produced the present state of feeling.

I beg you to submit these considerations to the government which you represent, and to accept the assurance of the distinguished appreciation with which I have the honor to subscribe myself,

Your very obedient servant,

VICENTE HERRERA.

No. 76.

Mr. Williamson to Mr. Fish.

No. 54.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, Nov. 15, 1873. (Received December 30.)

SIR: I have the honor to inform you that on my return here I found that President Barrios, with two of his chief ministers and his counselor of state, accompanied by a small military escort, had gone to the borders of Honduras and Salvador to confer with President Gonzalez, of Salvador, in regard (especially) to the successor to President Arias, of Honduras. It is reported that Arias has consented to vacate his office of President in favor of any one who may be selected by the Presidents of Salvador and Guatemala. My latest information is that Leiva is likely to be chosen on account of his popularity, although he lacks the military prestige which seems so necessary to a continuance in power in these states, and is supposed not to be in full accord with the political sentiments of Presidents Barrios and Gonzalez. His reputation is that of an honest man, of deliberate judgment, and in favor of the speediest economical reforms of which Honduras is susceptible in her present unhappy financial and industrial condition. He is also reputed to be quite wealthy, as the result of his good sense and prudent management. I propose, as soon as he is inaugurated, and there is some degree of quiet restored in Honduras, to go direct to Comayagua, to present my letter of credence.

I have, &c.,

GEO. WILLIAMSON.

No. 77.

Mr. Williamson to Mr. Fish.

No. 55.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, Nov. 15, 1873. (Received December 30.)

SIR: I have the honor to inclose you herewith a copy of my note of this date, addressed to the minister of foreign affairs of Costa Rica, in reply to the circular of which I sent you a translated copy with my No. 52. After carefully considering the whole subject it occurred to me to be wiser to limit myself to a tender of the good offices of our Government, without engaging in any discussion to show why they should be cheerfully and gratefully accepted. The statesmen of these countries are said to be very argumentative, and I did not wish to incur the risk of failing to do a practical good by an unintentional invitation to a discussion that would settle nothing.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure.]

Mr. Williamson to Señor Herrera.

UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, November 15, 1873.

SIR: I have the honor to acknowledge the receipt of the interesting circular issued by your government, under date 24th ultimo, touching the late treaty between Guatemala, Salvador and Nicaragua. You will please accept my thanks.

I beg to reiterate to you more formally the substance of what I had the honor to address verbally to your esteemed predecessor, Mr. Montufor, during our last interview, about the 19th of August. Substantially, I stated to him, if without offense to either party, and by their joint consent, the good offices of my Government could be employed with a fair prospect of success in bringing to an honorable and peaceable settlement the long-vexed question of boundary between Costa Rica and Nicaragua, that I felt authorized to tender them. Since then I have made a similar offer to the government of Nicaragua, and I am pleased to inform you it was accepted with cordiality by the president and his minister of foreign affairs. I now make the offer to your government, accompanied with the remark that as the Government of the United States is only animated in this tender of good offices by its friendly disposition to the states at variance upon this question of boundary, and is not willing to seem to assume either the part of interfering in affairs of other states without invitation, or to have her benevolent intentions become liable to misconstruction, that you will be pleased to understand, if your government considers the discussion of the question of boundary with Nicaragua has been removed beyond the limits of diplomacy, I shall thank you to say so in the same frank and friendly spirit which inspires this note.

I have, &c.,

GEO. WILLIAMSON.

No. 78.

Mr. Williamson to Mr. Fish.

No. 60.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, Nov. 25, 1873. (Received December 30.)

SIR: I have the honor to inclose you correspondence with the minister of foreign affairs of Nicaragua, in regard to a printed circular sent me to be forwarded to the Government, and also translated copy of said circular. Allow me to call your attention to my letter, of which a copy is inclosed.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure 1 in No. 60.—Translation.]

Señor Rivas to Mr. Williamson

MANAGUA, November 11, 1873.

SIR: I have the honor to transmit to your excellency the inclosed communication, which under this date I address to the minister of foreign relations of Costa Rica, in answer to the circular-note which he addressed to the diplomatic and consular bodies on the 24th of October last.

Requesting your excellency to bring this document to the knowledge of your Government, I have the honor to subscribe myself your excellency's very humble servant,
A. H. RIVAS.

[Inclosure in 1 in No. 60.—Translation.]

Circular of the government of Nicaragua.

NATIONAL PALACE,
Managua, November 11, 1873.

SIR: The ministry under my charge has received the circular-note that your ministry thought proper to address, on the 24th of October last, to the governments with which the republic of Costa Rica holds intercourse, on the subject of the treaty of alliance, concluded on the 26th of August previous, between Nicaragua, Salvador, and Guatemala.

Your excellency says that, in view of that document, wherein solemn pre-existing engagements are completely forgotten, as well as the most common rules of international law, the forms in constant use among nations, and the respect and considera-

tion due from one government to another, your government cannot remain indifferent, but must raise its voice to answer the injurious accusations and the threats made against it, and also to protest against the intervention of the other republics in affairs which concern Costa Rica exclusively:

Your excellency adds that, with this object, you have received instructions from your government to make a statement of its policy in regard to the other states respecting the acts which preceded the convention in question, and of the nature of the treaties broken by Nicaragua by the act of signing it; because, however much your government may wish it, it cannot consider that treaty under any aspect save that of an offensive and defensive alliance, concluded against the peace and independence of Costa Rica, and consequently it has to assume such an attitude as is proper in the situation in which it has been placed, declining at once all responsibility for the consequences that may be originated by said treaty, so unjust and so injurious to your excellency's government.

Your excellency proposes to show in that statement, that since the triumph of the liberal revolution of 1871, in the republics of Salvador and Guatemala, up to the date of the circular-note herein referred to, no correspondence has taken place between Costa Rica and the other republics without expressions and acts of cordiality, there not being the least motive to suspect the existence between them of any cause of complaint; but, on the contrary, that everything has tended to show that they were to be considered as being in a state of profound peace, and perfect harmony with each other.

In regard to this republic, your excellency acknowledged that the existing relations, though friendly and fraternal, were somewhat impaired by coldness on account of the boundary question, the existence of which your excellency attributes to Nicaragua, because the executive power of this republic manifested some doubt before the congress of 1870 upon the validity of the boundary treaty concluded on the 15th of April, 1858, accepted and acted upon by both parties during twelve consecutive years.

Your excellency says that the question in itself is a grave one, because, if the treaty were annulled, as Nicaragua desires, Costa Rica would be free from the obligation which is thereby imposed upon it of keeping at a distance from the great lake and a part of the shore of the San Juan River, and it would be to the interest of Costa Rica to regain the limits it formerly possessed, to which it believes it has a right according to ancient titles. You further say that Nicaragua, for its part, with a prospect of opening the inter-oceanic canal, wishes to possess this route, to the exclusion of Costa Rica, and even now has a great interest in the Colorado River, which unquestionably belongs to that republic, throughout its extent; that in spite of this cause of difference between the two countries, and although at various times the question has been discussed with some warmth on either side, it has been agreed upon never to resort to extreme measures, but to arrange all disputes amicably by mutual consent or by arbitration, which method was lately accepted by Costa Rica, with the proviso that its right to Guanacaste should not be questioned, for the reason assigned in the presidential message of the 1st of May of this year.

As a proof of these assertions and of the prudence and justice that guide the acts of the government of Costa Rica, your excellency copied the first three articles of the treaty of friendship signed between Costa Rica and this republic; adding, that no communication having been addressed to your government for some time past by that of Nicaragua stating any cause of complaint, or demanding explanation of any act that might be construed as hostile to the tranquillity of Nicaragua, your government felt able to rest tranquil upon the faith of the treaties, believing them to have some significance in the relations between nations and governments; that, besides, the government of Costa Rica had another reason for believing itself secured by that of Nicaragua, and had full confidence in the personal character of the chief magistrate of this republic, whose previous conduct was, in its judgment, a guarantee of peace between the two countries; that with such a conviction it was to the interest of Costa Rica to use the influence of the government, if it had any, in arresting rather than precipitating the revolutionary movement in this republic, postponing it for the legal opportunity of the coming elections.

Your excellency says that, in view of all these precedents, your government remained tranquil, directing all its attention to the important work of the railroad already undertaken, and even thought to make it interoceanic for the good of Central America and the world, when it was painfully surprised by the treaty of alliance concluded by the three republics, which in its form and purport is highly offensive and threatening to the dignity, peace, and independence of Costa Rica, adding that its simple perusal reveals that in its conclusion nothing has been considered but private passions, individual hatred and prejudices, founded on superficial views, that ought never to influence negotiations of such importance and gravity; and after expounding the conduct that ought to be observed by states before agreeing to any alliance, and expressing especial surprise at that observed by Nicaragua, with which other treaties existed, your excellency ends by stating that the government of Costa Rica feels authorized to provide for the security of that republic, and to vindicate its offended dignity, without

injury to the ties that unite it to Nicaragua; that in spite of the provocation offered to Costa Rica by said treaty, your government will maintain its programme of not raising a single Costa Rican soldier to invade the other states, on which it throws all the responsibility of the events that may occur in consequence of the adoption of measures suggested by prudence and necessity to provide for the security of the republic.

Mr. Minister, I have considered with due attention the allegations contained in your note, which I have brought to the notice of his excellency the President of the republic, in accordance with whose instructions I proceed to answer them one by one and in the order in which they are stated, having at the same time received orders to transmit copies of this dispatch to the governments to which your excellency addressed the circular-note in question, so that the nations interested may be able to judge with impartiality and accuracy concerning this important question.

Your excellency lays aside the vital question which led to the alliance of the states, making them appear as if moved by the impulse of secondary interests, or by an illegitimate wish to interfere with the internal affairs of your republic, which unquestionably only concern the people of Costa Rica.

In consideration of this view, so highly offensive to the honor of the states, and particularly to that of Nicaragua, which is the only one that has pending questions with your republic, it is the duty of my government to raise its voice most energetically against it, and to make manifest the true motives which have induced it to adopt the line of conduct it has recently followed in regard to its relations with the other states of Central America.

As may be seen by all the stipulations of the treaty, the object of the alliance is not the acquisition of material advantages, much less to favor the intervention of the states in affairs that do not concern them, but to provide for their mutual security against attacks which have been considered as proceeding from prominent members of the Costa Rican cabinet. Nor can any one dispute their right to adopt that measure, which vitally interests them; and if the Costa Ricans have any duty to fulfill under such grave circumstances, it is to investigate the facts and to lend support to their government, if those acts have been performed justly and legally and with a view to the advancement of the general interest; or to call them to account if, on the contrary, they have acted in violation of law, both domestic and international, and have disregarded the usages practiced by civilized and Christian nations and the obligations by which a nation is bound as regards its neighbors.

In the statement made by your excellency of the conduct of your government, you do not mention the protection received from it by certain exiles from the other republics; protection exceeding what humanity and other social considerations demand. Far be it from me and from the government of whose sentiments I have the honor to be the interpreter to criticise the generous and humane act of granting an asylum to citizens cast away from their homes by revolution. Nicaragua has also received and protected with its laws thousands of those unfortunate beings, even at the risk of its own peace, and although heavy expense was thereby incurred; but at the same time it has been very careful to prevent the asylum granted from being prejudicial to its neighbors, watching the emigrants very closely, and refusing entrance into the republic to those whose residence there, on account of their position in regard to the established governments, was deemed dangerous to the peace of the states whence they came. These acts have been a proof of the prudence with which the government of Nicaragua has acted with respect to those emigrants, it being now quite notorious that nearly all of them took an active part in the attempt made in the north of Honduras to upset the existing governments of Central America.

Can your excellency say as much of the conduct of your government? Even admitting that the expedition of the steamer "General Sherman" was undertaken in spite of the vigilance of the authorities, and that the conduct of the emigrants who concocted it during their stay in Costa Rica was so cautious as to conceal from the cabinet their intention to disturb the peace in the other states, how can the fact be explained that some of the leaders of that expedition, after having established their pretended constitutional government on the island of Utila, returned to your republic to reside in it, with the confidence of the soldier who returns to his quarters to rest after the fatigues of a campaign? How can the fact be explained that the semi-official press of your republic has been devoted to the publication of the most absurd news and of the most senseless effusions of the opponents of those governments?

I beg your excellency to allow me to say that such precedents were not of a nature to induce your government to rest upon the security of not having given cause for complaint, especially when the free press of all Central America had denounced the conduct of your government as hostile to the peace of all.

Be this said in regard to the republics of Guatemala, Honduras, and Salvador.

With respect to Nicaragua, the inclination on the part of your government to provoke a rupture has been very evident. In the year 1870, when the present president of your republic held the supreme power provisionally, the provisional government committed an act of incivility toward Nicaragua, by declaring void the Montealegro-

Jimenez treaty relative to the Ayon-Chevalier contract for the canal, without giving notice to this government, which the common usages of etiquette and the nature of the matter rendered obligatory upon your government. This proceeding was the more unjustifiable as the treaty thus annulled had been sanctioned by the congress of this republic. This it was that revived the old boundary question, not the doubt presented to the congress of Nicaragua concerning the validity of the treaty of 1858, which was due to that inconsiderate act on the part of your government, an act which, if allowed to pass without contradiction, would have subjected this republic to a degrading tutelage. Nevertheless, after some discussion of this vexatious question, it remained unsettled, and the relations between the two governments continued as if no such disagreeable incident had occurred, it being worthy of notice that the congress of the republic has abstained from saying a word about the proposed doubt, so as to leave to the respective cabinets the friendly adjustment of a question which properly belongs to them to settle.

If the question has again been revived, and has even assumed alarming proportions, it is not certainly by reason of provocations on the part of my government, which in this, as in other questions, has always tried to place itself in a defensive attitude, repelling the exaggerated pretensions of your cabinet, and at the same time seeking all the means of conciliation for the sake of the well-being of both countries.

The people of Nicaragua and of Central America generally have not failed to observe the marked disposition of your excellency's government to seek causes of discord with this republic, which, from the beginning, has revealed the desire of attaining some ulterior object, nor have they been blind to the attempts of the head of the Costa Rican cabinet to acquire great prestige in Nicaragua, an attempt which first became evident at the time of the conferences at Rivas, and has subsequently been shown by the unofficial acts of the Costa Rican legation in this republic, and by the official press, which has more than once expressed the opinion that the extreme point sustained by my government in the pending question was the isolated opinion of the administration circle, mean, egotistical, and narrow, against the true sentiments of the people, whom they have tried to represent as more favorable to the pretensions of the cabinet of Costa Rica.

It might be said that this opinion was an error of the writers charged with the defense of your government; but the true meaning of those words cannot be mistaken when they are examined and compared with the official acts to which they relate. Such are, for instance, the acts of Juan Carrié, on the Colorado River, concerning which my government complained, and the refusal of that cabinet to give the frank and friendly explanations of those acts which the similarity of interests of both republics and the cordial relations existing between the two governments demanded.

In spite of the efforts which it was in the power of the government of Nicaragua to make, and which were made to re-establish harmony, the Nicaraguans have always suspected that your government is meditating plans against the peace of this republic; and even in the other states the same opinion prevails. Thus it was that, when my government established the legation to mediate between Salvador and Honduras, many insinuations were made to it that it would act wisely in instructing our plenipotentiary to negotiate an alliance with those governments, as the surest means of protecting the republic against the stratagems of your cabinet.

Although my government duly appreciated the justice of such insinuations, it would not act upon them, hoping that its conciliatory conduct would inspire better sentiments in official circles in your republic. The commissioner, however, being compelled by the public opinion of the country and by the prevailing ideas in the republic of Salvador, concluded *sub spe rati* the Arbizu-Carazo treaty, of which, no doubt, your excellency received notice. In that convention it was expressly stipulated that the republic of Salvador should make common cause with Nicaragua in the settlement of the boundary question with Costa Rica, thus declaring justice to be on the side of this republic.

My government, however, not listening to the outcry of a great number of Nicaraguans, who saw in that treaty the salvation of the dearest interests of the republic, refrained from approving it, for the sake of peace and the positive interests of both countries, and because it is profoundly convinced that the pending question with that republic should be settled entirely by diplomacy.

In spite of this friendly and conciliatory conduct, your excellency's government has not desisted from its disturbing and threatening course. It has imported extraordinary quantities of arms and munitions of war, whereby this people has been justly alarmed, the warlike stores in question being far in excess of what your republic requires, either to maintain order or to provide for its defense in case of an invasion.

My government has repeatedly been urged to demand an explanation from that of your excellency of an act which in all countries is considered as a threat by neighboring nations; but it has refrained from taking this step for two reasons: first, because it has become convinced that your cabinet does not like to give clear explanations, as in the case of Carrié; and second, because it has relied upon the good sense of the

Costa Rican people, who, whatever may be the character of their President, can never be induced to run after adventurers as if they were a pack of idlers and vagabonds. My government has felt and still feels confident that no war will be made against Nicaragua with Costa Rican soldiers. Would to God it could feel equal confidence in the personal character of some members of the Costa Rican cabinet, so that no suspicion could be entertained on account of such unwarranted acts, only calculated to disturb the peace of this republic.

Unfortunately, however, some blind opponents of this government, to whom patriotism is unknown, have felt themselves supported by the Costa Rican ruler. In small countries like these the steps and words of all the inhabitants are counted. Thus my country has been made acquainted, not officially, because the subject is not worthy of such means of information, but in a reliable form, with the conversations and mutual offers exchanged between members of your cabinet and some ungrateful sons of this republic.

Truly there has existed a close alliance between your government and its friends and the enemies of Nicaragua, so that, in the general questions of both countries, the opponents of this government are on the side of the Costa Ricans. Everything that is written in your country against the interests of Nicaragua or its government is at once reprinted here by those same opponents, and *vice versa*, all that the enemies of this government write is copied in the semi-official newspapers of your republic, with comments in support of the ideas therein expressed.

But even if my government had been inclined to doubt the facts brought to its notice, have they not been confirmed, one by one, by the semi-official press of your republic, showing, in the clearest manner, the relation existing between the designs of your cabinet and those of the enemies of order in this country?

But what reveals more clearly the alliance existing between the enemies of this government and the present administration of Costa Rica is the favorable reception met with in that republic by all who present themselves in the character of enemies of the administration in Nicaragua.

I should prefer not to speak of the money brought from Costa Rica by Don Paulino Salamanca, with the object of creating a revolution in this country, because this incident affects the personal character of your excellency. But what has occurred since the discovery of Salamanca's treason is so serious, and shows so clearly at the same time the by no means friendly sentiment of your cabinet toward Nicaragua, that I should fail to fulfill my duty, if from personal considerations I were to omit in a document like this all the facts that have shaped the conduct of my government toward that of your excellency.

Your excellency has become aware, through the official publications of this republic, that Don Paulino Salamanca, having been charged with being the bearer of the money sent by the president of Costa Rica for the purpose of creating a revolution in Nicaragua, his apprehension was ordered for the purpose of obtaining proof of the fact; that Salamanca escaped from the escort that took him, and that he and Colonel Finoco, who received half the money, appeared some little time afterward in your republic. The reception which these traitors to Nicaragua have met with from the public functionaries of Costa Rica, the protection lately extended to them to enable them to carry out their treacherous designs, the same Salamanca having been the ring-leader in the piratical enterprises which have been organized in that republic for the purpose of disturbing the peace of Nicaragua and Honduras, Finoco himself having been the military agent of these undertakings—all this forms a concatenation of events tending solely to the object of destroying the precious gift of peace which this people enjoys, thanks to the conciliatory and impartial, as well as watchful, policy of my government. To cast a doubt upon the intentions that have dictated this conduct would be utterly in violation of the rules of logic.

But there is no necessity to resort to conjectures in regard to the views and inclinations of your government, when your excellency refers, in the dispatch which I am answering, to the existence of that alliance with the enemies of this government, emphatically saying that it was to the interest of your government to restrain rather than precipitate the revolutionary movement, postponing it for the legal opportunity of the coming elections.

Is not this, Mr. Minister, assuming to direct the electioneering movement in Nicaragua from the interior of your cabinet? By what right does your excellency's government propose to interfere in such matters, which concern the Nicaraguans alone? Does it not reveal a design of unlawful intervention and the strange pretension, to which I have referred, on the part of the chief magistrate of your republic, to obtain prestige in Nicaragua?

It was the intention of my government to make a statement to your excellency in regard to several facts herein mentioned, and seriously to call the attention of the whole nation and its worthy representatives to said facts, so that, being aware of the conduct of their officers, they might check in time those abuses which could not fail to entangle the nation in serious complications.

The sending of the embassy from the other states somewhat modified the intentions of my government, as, instead of making this statement separately, it preferred to make it in common with its allies, according to the spirit of the treaty of alliance which was concluded, but always with the design of enabling the Costa Rican nation duly to appreciate the official and unofficial acts of its officers, by which they have compromised its neutrality, violated its treaties, and endangered its peace and well being.

As the subject of this note is not the question of boundaries, but of the peace and security of Nicaragua and of all Central America, I will confine myself to contradicting three assertions of your excellency, only because they are made in a document of high diplomatic importance.

Your excellency asserts, in the first place, that Costa Rica formerly possessed the southern shore of the lake and the right shore of the river San Juan throughout its extent, and that it thinks it has a right to that boundary according to its old titles.

Secondly. That Nicaragua, having in view the opening of an interoceanic canal, wishes to possess that route to the exclusion of Costa Rica.

Thirdly. That Costa Rica has accepted the arbitration proposed by Nicaragua, with the proviso that its right to Guanacaste shall not be questioned.

All three assertions are utterly and notoriously inexact.

Costa Rica has never possessed the lake nor the river throughout its extent; for I do not think that your excellency means to call possession the precarious occupancy which the government of your republic held in those waters in 1857, which led to the conclusion of the boundary treaty of 1858.

It is true that Nicaragua desires to have no impediment in the exercise of its sovereign right to contract for the work of the canal or any other interoceanic communication; but your excellency has no reason to assume that Nicaragua wishes to enjoy the advantages of such communication to the exclusion of Costa Rica, it being quite notorious that the tendency of the measures taken by this government is to secure from enterprises of this kind the same advantages in favor of the citizens of Costa Rica as for those of Nicaragua.

The third assertion is contradicted by the very documents from which your excellency quotes. In the message of the 1st of May it is said "I believe that in no case whatever, nor with any motive, can we consent to have our right to the territory of Guanacaste questioned;" and in the report of the minister of foreign relations, dated the 13th day of the same month, to which the president alludes, it is said "the proposition for arbitration has not been accepted by Costa Rica, for the reasons which I will present to your enlightened consideration."

He goes on to state these reasons, which are substantially those given by the president, adding that the boundary treaty is onerous to Costa Rica, on account of the valuable concession made by it to Nicaragua, and ends by asking, in the name of the president, for authority to break that treaty with the consent of Nicaragua. "The treaty once broken," he says, "we will maintain the *statu quo*, but without the prospect of finding ourselves obliged to withdraw from the limits which nature has drawn between the two countries, viz, the lake and the whole of the San Juan River."

"The Costa Ricans will not then forever see that strip of land, which, in the high equinoctial heats, prevents them from quenching their thirst in the waters of a lake partly formed by their large rivers."

Nobody can but perceive the warlike disposition which guided the hand of the minister when he wrote the foregoing words, and I have quoted them with the object of rectifying their inaccuracy, only because they confirm the views of my government with respect to the sentiments of that of your excellency toward Nicaragua.

I have referred to the question of limits, because your excellency has been pleased to allude to it in the dispatch, and not because I believe it to be at all connected with the one now pending among all the states of Central America.

Let us now pass to the true state of things.

After showing the state of the boundary question, your excellency copies the first three articles of the treaty of friendship concluded between this republic and that of Costa Rica, in order to show to the Costa Rican people and to impartial nations that Nicaragua makes alliances for the purpose of supporting its pretensions in the arrangement of that question by force.

Mr. Minister, I repeat what has very often been said by my government, and clearly describes the treaty of friendship. The question of limits had not the least influence in the conclusion of that convention. If such had been the wishes of my government, it would have accepted the Arbizú-Carazo treaty, which expressly treats of this subject; but it is firmly convinced that this question belongs exclusively to the diplomacy of both countries; that nothing can be arranged by force; and that whatsoever is done under its influence will vanish as soon as the force ceases to be exerted.

What causes, then, have brought about the alliance?

The treaty itself says: "It is the conviction of the allies that the present administration of Costa Rica is performing acts of hostility against them, violating the existing

treaties, the usages which prevail among nations, and the respect and consideration due from one government to another."

But your excellency says that no explanations have been asked, nor has the time arrived for arbitration.

Mr. Minister, allow me to tell you that you have not appreciated at its just value the personal character of the chief magistrate of this republic, if you have thought that, in view of his essentially pacific and conciliatory disposition, he is capable of folding his arms in blind confidence in the presence of acts directly hostile to the peace of this republic, committed without the necessary tact to disguise appearances, and that he would send his commissioner to Belgium, or to some other neutral nation, to enter into a discussion upon flagrant acts, while, without any procedure, without respect or consideration, our enemies should be stirring up with impunity all the bad elements which society in this republic contains, paralyzing its commerce, its agriculture, and all its vital movements, all with the design of establishing a government that would permit the sacrifice of the national integrity and of the dearest interests of the Nicaraguans.

If your excellency believes, in good faith, that a government can rest tranquil upon the basis of treaties in presence of notorious hostilities committed by the other party, how is it that your excellency, interpreting the intention of the treaty of alliance as a design to make war against your republic, declares your government thereby free from the obligations of the treaties by which it was bound to Nicaragua? Why do you not ask explanations in regard to their supposed intentions, and ask for arbitration? A step of this kind would be the more reasonable, inasmuch as the act of Nicaragua is official, frank, and explicit, but rests, according to your excellency, upon an erroneous basis.

But it seems that the obligations imposed by treaties and by international law must only be binding upon Nicaragua, leaving rights and guarantees as the patrimony of your excellency's government exclusively.

All the foregoing, Mr. Minister, shows that the treaty of alliance cannot have surprised your excellency's government at a moment when it was entirely occupied with the great enterprise of the railroad; on the contrary, it must have been on its guard against very serious events, both from without and from within, from the moment that enormous sums of money, obtained at a great sacrifice on the part of the nation, were diverted from their legitimate objects, and great quantities of arms and munitions of war were imported with a design to disturb the peace of its neighbors.

I conclude, Mr. Minister, by repelling the insulting supposition that the treaty of alliance was dictated by personal hatred and other base passions, which cannot be explained in the relations of one people with another, and much less in acts sealed with the explicit approbation of the nations interested.

I beg your excellency to bring the foregoing to the knowledge of your government, and to accept the assurance of the distinguished consideration with which I have the honor to be, your excellency's obedient servant,

A. H. RIVAS.

[Inclosure 2 in No. 60.]

Mr. Williamson to Señor Rivas.

UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, November 24, 1873.

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant, containing a request that the printed circular accompanying it may be transmitted to my Government.

The circular has been carefully read and considered, and I have caused a translation to be made for the purpose of forwarding it to my Government by the next mail.

I avail myself of this occasion to say that I have written to the government of Costa Rica, formally tendering my good offices for the settlement of the question of limits with Nicaragua, and that if it is possible for me to do so, I shall leave for Costa Rica by the next steamer, to see President Guardia in person upon that subject, and also upon the important subject of a meeting, at some convenient time and place, of the presidents of the five Central American states, with a view of establishing more amicable relations between them. All profess to desire peace, and the respective states need nothing so much to enable them to embark upon careers of prosperity as for the people and foreigners to be assured that the public order will not be disturbed. It is probable you will receive a communication on this subject from the government of Guatemala by this mail, as my mission to Costa Rica on the latter subject will be undertaken at the instance of President Barrios, who tells me he has recently discussed the matter with President Gonzalez, of Salvador. It is possible that President Guardia

may not be disposed to listen to such unauthorized overtures as I can make, but it seems to me he will do so; and, whether he does or not, it is my duty, as well as pleasure, to make any reasonable exertions to maintain peace in these states, if I can do so without a compromise of my own dignity or that of the Government I have the honor to represent.

Your excellency will be pleased to accept the assurance of my distinguished consideration.

Your obedient servant,

GEO. WILLIAMSON.

No. 79.

Mr. Williamson to Mr. Fish.

No. 61.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, Nov. 26, 1873. (Received December 18.)

SIR: I have the honor to inform you that President Barrios has returned. Both of the ministers who accompanied him called to see me, and stated that at the conference held at Chingo it was agreed between Presidents Barrios and Gonzalez that Leiva was to be elected President of Honduras by the constituent assembly of that State, which is called to assemble (by the actual President, Arias,) on the 1st of December. Leiva was present at the conference, and, although President Arias was not there in person, through his representative he expressed a willingness to abide by the decision of the constituent assembly, and turn over the government to Leiva or whoever else might be elected. These gentlemen also state there is no doubt of the election of Leiva, and in their opinion there is no doubt of his now being in perfect accord with the political principles of Presidents Barrios and Gonzalez. It is proper to say these gentlemen add that the governments of Guatemala and Salvador do not put any restraint (nor do they propose to put any) upon the action of the people of Honduras in the selection of their chief magistrate. The inefficiency and great unpopularity of Arias and the reputed universal popularity of Leiva seem to justify the opinion that the people of Honduras will be much pleased with the change of Presidents. I also called upon President Barrios, who confirmed all of the above statements. He said, moreover, that he thought a good opportunity now existed for the pacification of the Central American States, if, through me, the chief magistrates of the several states could be brought together face to face to talk over matters of difference and common interest. He said no other person but the representative of the United States Government could accomplish that desirable object; and, I may add, he was flattering enough to pay some high compliments to my personal address and tact in the management of such a delicate question. I then asked him what would be the main questions to be discussed at such a conference. In his usual frank and off-hand style, he answered substantially as follows: 1st, a settlement of present misunderstandings. 2nd, a treaty involving the following points: first, free trade between the states of articles either in the raw or manufactured state, if produced in said states; second, uniformity of postal system; third, uniformity of currency; fourth, concentration of their foreign representation in the hands of one person with a view to a uniform foreign policy; fifth, a settlement by arbitration or treaty of the question of limits between Nicaragua and Costa Rica; sixth, a treaty involving a pledge upon the part of each state that it will not harbor revolutionists, or permit revolutionary expeditions to be fitted out in its

ports or territory, or allow revolutionary plots to be concocted to disturb the peace of any other state. I had previously talked over all these points, which were quite familiar to me, and which I found to be acceptable to the governments of Salvador and Nicaragua. The President assured me that Leiva, when elected President of Honduras, would also approve these views, and would cheerfully consent to the conference proposed. The only President, then, to approach is Guardia, of Costa Rica. I replied to President Barrios that I was willing to undertake to obtain President Guardia's consent, and, if possible, would leave on the next steamer. I also stated to him I could not leave on that steamer unless my mail was delivered to me before leaving, as my last dates from Washington were the 9th of September. It is understood, therefore, if the mail arrives in time for me to examine it before the departure of the steamer of the 1st proximo, that I will go to Costa Rica; and if the mail does not so arrive, I shall postpone my trip until the steamer of the 10th.

I have, &c.,

GEO. WILLIAMSON.

No. 80.

Mr. Williamson to Mr. Fish.

No. 70.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, December 3, 1873. (Received December 30.)

SIR: I have the honor to inform you that I embarked to-day on the "Labrador" for Punta Arenas, in Costa Rica, at the urgent instance of the government of Guatemala, for the purpose of seeing whether it is practicable to bring about a meeting of the Presidents of the five republics, or southern states, in order to talk over and, if possible, settle their differences. Having acquired some knowledge of these people, I must confess that my trip seems to be rather quixotic, but taking all things into consideration, it has seemed to me best to undertake it. I consider all the governments in Central America as merely personal, except, perhaps, those of Salvador and Nicaragua. In those two states the administration of public affairs is conducted by the respective Executives with a considerable regard to the forms of law and the constitutional provisions. In Nicaragua the Executive, so far, has appeared to be desirous not to overstep his authority; but this is owing to his habitual caution or timidity, rather than to any restraining influence of an organized public sentiment. In Salvador, I think, President Gonzalez is restrained in some measure by public sentiment, for, in my opinion, there is more of the genuine spirit of republican liberty in Salvador than in any of the five states. The standard is low, but it is to be hoped will be elevated in time. The intelligence comes to me from Honduras that Arias intends to prevent the meeting of the constitutional assembly, and defeat thereby the election of Leiva. I am informed he is trying to raise men and means, and by making the assertion that Leiva is but the creature of Guatemala and Salvador, is trying to arouse popular pride and indignation. Judging from his character and the obstinacy with which he has held on to his office, I should not be at all surprised if the news is true. It is probable he is encouraged by the reported prospect of war between Costa Rica and Nicaragua which would involve Guatemala and Salvador. There is no danger of such a

war, although Guardia has placed the executive power (as it is called here) in the hands of Minister Gonzalez, and has assumed command of the army, which he tells us in a flaming manifesto. His people will not follow him, unless I am misinformed. None of the other states or their governments desire war, and hence I hope Guardia may be glad to have an opportunity presented to him to assume a more peaceful "rôle." Besides his own term of office depends much upon his personal presence at the capital. If he has any judgment or regard for himself or his country, he cannot go to war. I still believe Arias will be deposed and Leiva installed, even if it requires the joint powers of Guatemala and Salvador to accomplish that result. Hence if the meeting of the five Presidents occurs in a month or so, my belief is that Leiva will be one of the number.

I have, &c.,

GEO. WILLIAMSON.

No. 81.

Mr. Williamson to Mr. Fish.

No. 71.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Punta Arenas, December 10, 1873. (Received December 30.)

SIR: I have the honor to inform you that I had the good fortune to find President Guardia here and ready for an interview. After giving him notice, I called and submitted to him my suggestion that the five (or four) Presidents of Central America should meet, with a view of discussing and settling their affairs. He acceded without hesitation. I have barely time to report the fact, as the steamer leaves again in a few moments. It is probable I shall not go to San José, but will return by next steamer to Guatemala.

I have, &c.,

GEO. WILLIAMSON.

No. 82.

Mr. Williamson to Mr. Fish.

[Extract.]

No. 72.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Punta Arenas, Costa Rica, December 11, 1873. (Rec'd Dec. 30.)

SIR: I have the honor to inclose herewith a copy of the memorandum of the conversation had yesterday morning with President Guardia, the result of which I gave you in my No. 71, written immediately after its occurrence, so as to send by the ship then in port, bound for Panama. You will notice that Mr. Edwin Corbett, Her British Majesty's minister, took part in the interview and co-operated with me partly. Although I did not understand him to commit himself in the conversation to the plan of a personal conference of the five Presidents, yet I feel assured it meets his approval, and that his presence was taken by President Guardia as tantamount to an unqualified indorsement. So far everything looks favorable to the proposed personal conference, but I cannot say I feel certain it will take place, or that the good consequences will

flow from it which I should be glad to witness. My belief, however, is (if the meeting is held) it will lead to a better understanding, if not to good-will, between the several Presidents, and thereby give the tranquillity to these states so much needed, and which, under these peculiar systems of personal governments, seems unattainable at present by any other means. The only man I have any doubt of is President Guardia. * * * A short time ago he placed the "executive power" in the hands of one of his friends and ministers, Gonzalez. In a few days afterward he resumed it, and Gonzalez and several of his advisers left the capital, it is presumed by order of the President. He retained the executive power for two days, accepted the resignation of all his ministers except two, and after appointing the two to perform all the ministerial duties, he placed the executive power in the hands of his uncle, Rafael Barroeta, who stills holds it nominally, while in truth Guardia is President and in command of the army as general-in-chief. These facts speak for themselves, and indicate a state of mind or condition of affairs not calculated to produce a conviction that President Guardia will attend the conference. On my way back to Guatemala I shall acquaint the Presidents of Nicaragua and Salvador with the result of the interview. If Leiva has been installed in Honduras I shall write him an unofficial note, or go to Comayagua to present my letter of credence if the state of the country will permit me.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure.]

PUNTA ARENAS, COSTA RICA, December 10, 1873.

Memorandum of conversation held this day between President Guardia, Edwin Corbett, esq. and Geo. Williamson, esq.

The conversation began by the two last-named gentlemen stating they felt assured the other republics of Central America, and especially Guatemala, were anxiously desirous of preserving and cultivating peaceful relations with Costa Rica. This assurance was given more emphatically for the states of Salvador and Nicaragua by the said George Williamson, esq., who had recently visited them and talked freely with their government officials and people, but in regard to the anxiety of the existing government of Guatemala for undisturbed peace with all the other Central American states the said Edwin Corbett, esq., and George Williamson were equally positive. President Guardia then stated he was as desirous of peace as any one could be, and he believed more so than the chief executives of the other states, because he and his country had more at stake than the others. He said that war would seriously embarrass (if it did not entirely prevent) the building of the Costa Rica Railroad, a grand enterprise which he had inaugurated, and in which his personal pride was involved as well as his sense of patriotic duty. His assurance of the pacific disposition of himself and the people of Costa Rica was quite strong. Mr. Williamson then stated he and Mr. Corbett had in their possession letters from the minister of foreign affairs of Guatemala, which they proposed to show to President Guardia, as they contained written assurances of the pacific intentions of that state. The letters were exhibited and read by President Guardia, and he stated that he had been advised of the discussion recently held between the Presidents of Guatemala and Salvador at Chingo, so far as it affected Costa Rica affairs; and that after hearing the peaceable views expressed at said meeting by said Presidents, he had suspended his preparations for this war which he had believed it was intended to wage against Costa Rica. He said he was prepared for war at that time, and could have landed on any part of the hostile coast fifteen hundred armed men. He expressed satisfaction that the newspaper attacks on him in Guatemala and Salvador had been stopped. Mr. Williamson then stated that, of his own motion, it had occurred to him, from his personal knowledge of the Presidents of Costa Rica, Guatemala, Salvador, and Nicaragua, and of the causes of misunderstanding between them, that, if they could be brought together face to face and talk over their affairs, a better feeling would result and a stop be put to the re-

peated threats of war and civil disturbances. The difficulty was to bring about such a meeting without a sacrifice of the official or personal dignity of any of the Presidents. He mentioned this subject first to the minister of foreign affairs of Guatemala, who told him the project of such a personal interview had been talked over at Chingo between Presidents Barrios and Gonzalez, and that Mr. Williamson had been mentioned in that interview as the person whose official position as minister to all the Central American states might enable him to invite such a personal conference. At the instance of the said minister and in his presence, and in the presence of Mr. Samayoa and others, government officials, Mr. Williamson had an interview with President Barrios on this subject. The President expressed himself desirous of such an interview, and the belief it could result in a good understanding between the states, but stated it would require tact for it to be brought about without touching the sensibility of some of the Presidents. He felt assured there would not be the slightest hesitation upon the part of the Presidents of Salvador and Nicaragua, and that he also felt assured that Leiba, who would very soon (in all probability) become the President of Honduras, would heartily concur. Mr. Williamson told him he thought he knew President Guardia well enough to feel assured that he would cheerfully consent to such an interview, and that he believed he could approach him on the subject without in any way compromising the personal or official sensibility of any one. President Barrios then insisted Mr. Williamson should make the attempt, and the latter consented, especially as he was also desirous of seeing President Guardia as to the amicable settlement of the boundary question between Nicaragua and Costa Rica. President Guardia said in reply to this he would be pleased to meet the other Presidents at a time and place to be agreed upon, and indicated as his choice of the place of meeting either San José or the city of Guatemala. The time and place of meeting could not be agreed upon for obvious reasons; but President Guardia said he was willing to meet the other presidents at any time and place that might be selected. After some further conversation on minor topics the conference closed.

This memorandum has been prepared since, in accordance with a suggestion of President Guardia that something should be written, and it is signed by all of the parties to said conference.

T. GUARDIA.
GEO. WILLIAMSON.

I recognize the correctness of the above statement as far as it relates to the interview of this day.

EDWIN CORBETT.

DECEMBER 10, 1873.

No. 83.

Mr. Williamson to Mr. Fish.

No. 75.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Punta Arenas, Costa Rica, December 13, 1873. (Rec'd Dec. 30.)

SIR: I have the honor to inclose you correspondence had this day with President Guardia. In my opinion it was better to reply officially to his unofficial note. His letter to President Barrios was left open for me to read. In fact I should have declined to carry a sealed letter. I have read it. It contains a reiteration of his desire for peace and progress, and his hearty approval of the proposed personal conference.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure 1 in No. 75—Translation.]

General Guardia to Mr. Williamson.

ON BOARD THE STEAMER MONTEJO,
December 13, 1873.

DEAR SIR: I was very sorry yesterday on leaving Punta Arenas to know of your indisposition, that prevented me of the pleasure of seeing you at the last moment. I hope you feel well at present. With this note you will receive another, in accord with

yours and my own feelings, directed to General Rufino Barrios, President of Guatemala. Be so good, since you have been so in this and on every occasion, as to send it to the person to whom it is written. By all means you must know that I am determined to maintain the assurance of my good-will in favor of peace and progress of all the Central American states. Please to receive my personal compliments, and believe me,

Yours, friendly,

T. GUARDIA.

[Inclosure 2 in No. 75.]

Mr. Williamson to General Guardia.

U. S. LEGATION AT CENTRAL AMERICA, PUNTA ARENAS,
Costa Rica, December 13, 1873.

GENERAL: I have the honor to acknowledge the receipt of your note of yesterday, dated on the steamer Montijo. It will afford me much pleasure to deliver to President Barrios the letter which you inclose for him. I think we fully concur in our views as to the favorable consequences that are likely to result from the proposed personal conference of the five Presidents of Central America. There is no doubt that strong personal and political influences, hostile to the existing governments, will be actively exerted to prevent the conference. You will be prepared to combat and overthrow such influences, and I shall venture upon a word of caution to the other Presidents.

Be pleased to accept, general, my thanks for the cordial terms in which you have chosen to refer to my good intentions; I but feebly represent the ardent wish of my government that Costa Rica and her sister states may be peaceful and prosperous.

I avail myself of this occasion to tender you the assurance of my distinguished consideration, and have the honor to be your obedient servant,

GEO. WILLIAMSON.

General THOMAS GUARDIA,
Guanacoste, Costa Rica.

No. 84.

Mr. Williamson to Mr. Fish.

No. 76.] UNITED STATES LEGATION IN CENTRAL AMERICA,
PUNTA ARENAS, COSTA RICA,
December 14, 1873. (Received February 5, 1874.)

SIR: I have the honor to inclose you herewith copies of correspondence with the minister of foreign affairs of Nicaragua, in regard to the proposed sale of the American steamship Montijo to President Guardia, of Costa Rica. I expect to leave on the steamer to-day for Guatemala.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure 1 in No. 76—Translation.]

Señor Rivas to Mr. Williamson.

OFFICE OF FOREIGN AFFAIRS OF REPUBLIC OF NICARAGUA IN CENTRAL AMERICA,
Managua, November 21, 1873.

SIR: From reliable reports, it has come to the knowledge of this government that the owner of the American steamship Montijo, registered in Panama, has come to Costa Rica for the purpose of selling her to President Guardia, who proposes to make of said ship an armed vessel, with intent to wage war against the allied republics of Central America.

The President of this republic directs me to communicate this fact to your excellency, and to ask you, if possible, to interfere in this transaction, which has for its end the object of disturbing the peace and prosperity of these countries.

Not doubting that your excellency will deign to comply with the desires of my government, if within the scope of your powers,

I have, &c.,

A. H. RIVAS.

Hon. GEO. WILLIAMSON,
Minister Resident of the United States in Central America.

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[Inclosure 2 in No. 76.]

*Mr. Williamson to Señor Rivas.*UNITED STATES LEGATION IN CENTRAL AMERICA,
December 8, 1873.

SIR: I have the honor to acknowledge the receipt of your excellency's note of the 21st ultimo, in which you inform me of the probable sale of the American steamer *Montejo* to the government of Costa Rica, and that said steamer is to be used for hostile purposes against the other allied states of Central America. Your excellency also asks my intervention in this affair. There is no law of the United States which prohibits the owner of the *Montejo* from selling her, and I have therefore no authority to interfere. But I am glad to be able to say to you, that my information is the sale is not likely to be consummated, and if it is that the *Montejo* is too small and too old a craft to be useful as a vessel of war. I am also happy to congratulate your excellency on the promised disappearance of the threatening clouds of war which seemed to hang over Central America. Doubtless you have learned from the government of Guatemala that I am *en route* to Costa Rica in the interests of peace. I shall take pleasure in advising you of the result.

I have the honor to be your excellency's obedient servant,

GEO. WILLIAMSON.

SEÑOR DON A. H. RIVAS,
Minister of Foreign Affairs, Managua, Nicaragua.

No. 85.

Mr. Williamson to Mr. Fish.

[No. 77.] UNITED STATES LEGATION IN CENTRAL AMERICA,
PUNTA ARENAS, COSTA RICA,
December 14, 1873. (Received February 5, 1874.)

SIR: I have the honor of inclosing you herewith a copy of a letter written to-day to the minister of foreign affairs of Nicaragua, to accompany the transmission to him of a copy of the memorandum of the conversation with President Guardia on the 10th instant.

I hope it may meet your approval.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure.]

*Mr. Williamson to Señor Rivas.*UNITED STATES LEGATION AT CENTRAL AMERICA,
Punta Arenas, Costa Rica, December 14, 1873.

SIR: I have the honor to inclose you a copy of a memorandum of a conversation held on the 10th instant at this place with President Guardia, of Costa Rica. You will observe he professed the most peaceable inclination, and promptly agreed to the suggestion of a proposed personal conference between the five Presidents. In addition to what is stated in the memorandum, but which was accidentally omitted, President Guardia declared he had nothing to do with the expeditions of the General Sherman and the *Tigre*, and that he had recently had the latter vessel seized in this port, because he was informed she was about to depart on a hostile errand against Nicaragua. Your excellency's government is quite as fully informed as I am in regard to the subjects of these statements, and prepared to give them the weight to which they are entitled; yet I take the liberty of adding that but little significance can be conceded, it would seem, to the contradictory depositions of the person, Ross, about the charter of the *Tigre*, unless they are corroborated by other evidence.

If, after due deliberation, it should seem expedient to your government to approve the plan of the personal conference of the five Presidents, can you oblige me by notifying me of the time and place indicated? You will concur with me doubtless that the

personal and political enemies of the existing governments, as well as the malcontents who live upon civil disturbances, will probably exert a strong influence to prevent the conference. You will please to understand that I do not include all opponents in the above classes, for I can readily imagine how good and patriotic citizens, from lack of information, or distrust, or other causes, might oppose it. It would appear the result ought to be tranquillizing to Central America. In no event can I see how it can be detrimental to any state. The government of Costa Rica has not purchased the American steamer *Montijo*, but negotiations are now pending to pay her owner the damages he has incurred. He proposes to sail with her for Panama on the 17th instant.

I have, &c.,

GEO. WILLIAMSON.

Hon. A. H. RIVAS,

Minister of Foreign Affairs, Managua, Nicaragua.

P. S.—You will please pardon me for adding this postscript to say that I carry an unsealed friendly letter from President Guardia to President Barrios, in which he designates Guatemala as the place of meeting of the five Presidents.

Yours, &c.,

GEO. WILLIAMSON.

No. 86.

Mr. Williamson to Mr. Fish.

No. 78.] UNITED STATES LEGATION IN CENTRAL AMERICA,
OFF LA UNION, SALVADOR,
December 17, 1873. (Received February 5, 1874.)

SIR: I have the honor to inform you that when the ship stopped at Amapala to-day I went ashore, and was immediately called upon by President Gonzalez and his minister of foreign affairs. The President happened to be in Amapala, because a day or two previous his troops, after a sharp skirmish, had captured the place from the forces of President Arias. We had a conversation about the proposed personal conference of the five Presidents, from which he expressed the hope the pacification of Central America would result. I handed him a Spanish copy of the memorandum of the conversation with President Guardia. He read it attentively and expressed his cordial thanks to my government for the profound interest it manifested in tranquilizing Central America. I remarked to him I was only performing an agreeable duty in conformity with what I believed to be the wish of my government; a wish, I said, not inspired by sentimental ideas, or the purpose of interfering in the affairs of the Central American states, but which sprung naturally from the pacific principles of republicanism and an honest hope that some resultant advantages might be derived by the increase of our commerce keeping pace with advancing prosperity of our neighbors.

He told me all the principal towns and leading men of Honduras had declared in favor of Leiva, and that Arias was fortified in Comayagua with some troops of whom General Straeber (of Omoa fame) was the commander. He also stated he hoped Arias would abandon the presidency without further bloodshed.

Such being the condition of affairs in Honduras, I again abandoned my trip to Comayagua, which I trust will meet your approbation.

I have, &c.,

GEO. WILLIAMSON.

No. 87.

Mr. Williamson to Mr. Fish.

No. 79.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, December 21, 1873. (Received February 5, 1874.)

SIR: I have the honor to inclose you copies of my correspondence with the minister of foreign affairs of this government in regard to the prevention of war in these states. A letter *verbatim et literatim*, like the one addressed to me, was also addressed to Her Britannic Majesty's minister, Mr. Edwin Corbett, who accompanied me to Costa Rica. After President Guardia had expressed his desire for peace, both of us showed him our letters.

You will observe no mention of the subject of the personal conference of the five Presidents is made in the letters of the minister of foreign affairs. That was owing to the fact that it was thought such a written expression would be unbecoming the dignity of the government of Guatemala; and as the letters referred to were intended to be exhibited in Costa Rica, it was omitted.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure 1 in No. 79.—Translation.]

Señor Soto to Mr. Williamson.

GUATEMALA, *December 1, 1873.*

SIR: It has just come to the knowledge of my government that in the republic of Costa Rica a rumor prevails to the effect that Guatemala is making considerable military preparations for the purpose of carrying war into that country, and blockading her ports on both oceans. By the correspondence which arrived to-day my government is also informed that President Guardia, by a decree issued on the 20th of November, resigned the supreme power into the hands of Señor Don Salvador Gonzalez, reserving to himself the chief command of the army. For these reasons, and particularly because Señor Gonzalez is now at the head of the government of Costa Rica, I have received instructions from his excellency, the President, to address your excellency, who has showed so great a desire to preserve inviolable the peace of Central America, assuring you that on the part of the government of Guatemala there does not exist the most distant intention of making war upon Costa Rica, but that on the contrary, it ardently desires to maintain with all of the sister republics the most intimate and cordial relations.

My government hopes that President Gonzalez may be animated by similar wishes and sentiments, and fully expects that he will manifest them opportunely. But in the mean time the president, taking advantage of your excellency's intended journey to Costa Rica, commissions me to beg your excellency to deign to inform Señor Gonzalez, and all persons with whom your excellency may speak, that the government of Guatemala desires to remain in perfect peace and amity with the republic of Costa Rica, as well as with the rest of Central America. The kindness with which your excellency interests yourself in all that tends to promote the great interests of these countries, among which their internal and external tranquillity must occupy the first place, makes me hope that your excellency will accede willingly to the wishes of my government; and offering you in anticipation the most sincere thanks for your good offices in this respect, I am happy to subscribe myself,

Your excellency's obedient servant,

MARCO A. SOTO.

[Inclosure 2 in No. 79.]

Mr. Williamson to Señor Soto.

UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, December 21, 1873.

SIR: I have the honor to reply to your excellency's note of the first instant, handed me on the eve of my departure for Costa Rica. Inclosed your excellency will find a

copy of a memorandum of a conversation on the 10th instant, at Punta Arenas, with President Guardia, an open letter from President Guardia to President Barrios, and a sealed letter from Mr. Edward Corbett, Her Britannic Majesty's minister, which he read to me before sealing. These papers will inform your excellency's government of the strongly expressed desire of the president of Costa Rica for peace in Central America, and also of his approval of the proposed personal conference of the five Presidents. I hope all the good results may follow the conference that reasonably may be expected, and redound to the honor of the Presidents of Guatemala and Salvador who inaugurated this seemingly happy plan of settling the differences among the states and their chief magistrates. I also beg to inform your excellency that, on my return voyage from Costa Rica, I sent a copy of the inclosed memorandum to the President of Nicaragua, and handed one to President Gonzalez, whom I had the good fortune to meet at Amapala.

Renewing to your excellency the assurance of my high consideration, I have the honor to be your obedient servant,

GEO. WILLIAMSON.

Señor DON LIC'DO MARCO A. SOTO,
Minister of Foreign Affairs, Guatemala.

No. 88.

Mr. Davis to Mr. Williamson.

No. 32.]

DEPARTMENT OF STATE,
Washington, December 22, 1873.

SIR: Your dispatch No. 61, of the 27th ultimo, has been received.

Although some of the purposes for the proposed meeting of the Presidents of the Central American republics, adverted to in your conversation with President Barrios, of which you give an account, may be regarded as desirable and probably attainable, others, from our point of view at least, would not be deemed desirable, if attainable. This opinion is especially applicable to the restraints proposed in one state upon persons charged with or even suspected of revolutionary designs upon another.

It is hoped that in your dealings with the politicians in that quarter, particularly when it is borne in mind how frequently they and their schemes are changed, you will be careful to avoid committing yourself so that your usefulness in any event or the friendly disposition toward this Government might not be weakened.

I am, &c.,

J. C. B. DAVIS,
Acting Secretary.

No. 89.

Mr. Williamson to Mr. Fish.

No. 81.]

UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, December 22, 1873. (Received February 5, 1874.)

SIR: I have the honor to inclose you a translated copy of decree issued by the President of this state on the 15th instant in regard to the construction of certain high-roads, among them the important one to Yzabal on the Gulf of Dulce. I have had repeated conversations with the President and his cabinet in regard to this road, and they have reiterated their determination to build it. If this is done and proper

facilities at a competing rate are furnished from Yzabal to our ports, I believe a large portion of the trade of Guatemala, some from Salvador, and a great deal from the departments of Gracias and Santa Barbara, in Honduras, will seek markets in the United States instead of, as now, in Europe.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure.—Translation.]

Decree of the President of Guatemala.

ARTICLE 1. The opening of a high road which, beginning at Guatemala, shall terminate at Yzabal, and the opening of branch roads which shall unite with it the departments of Chiquimula, Jalapo, and Verapaz, adopting for this purpose the design made by the engineer, Mr. Wray, with the modifications proposed in the plans and designs last made.

ART. 2. The opening of another high road which, leaving Hubuetenango, or rather the mines of Chiantla, shall terminate in Champerico, passing through and uniting the principal populations of the departments of the west.

ART. 3. The continuation of the high road, already far advanced, which leads to the frontier of Salvador, thereby giving full effect to the Arbizu-Samayoa treaty.

ART. 4. The imposition of a tax, which shall be called the "territorial tax," of a *cuartillo real*, ($6\frac{1}{2}$ cents;) a *manzana*, (100 yards by 100 yards;) or it may be two dollars a *caballeria* ($33\frac{1}{3}$ acres) of land.

ART. 5. That said tax shall go into effect on the first of January of the coming year, shall be paid within the space of the three succeeding months, and by all owners or holders of lands, with the exception of such lands as may hold the rights and immunities of cities; this exception not to be enjoyed by the owners of municipal lands from whom the direct or profitable ownership should have been withdrawn.

ART. 6. That the chancellor of the exchequer shall frame and present the law which shall fix the manner and requisite conditions for the making of registrations and the collection of taxes, and also the fixing of penalties in order to render effective the present decree.

ART. 7. That the minister of improvements, for his part, charge himself with the execution of that which was ordained in the 1st, 2d and 3d articles, preparing the tools and necessary materials, so as to commence the opening of the roads as soon as the funds destined for them shall begin to be collected.

Given in Guatemala, in the government palace, on the fifteenth day of December, 1873.

J. RUFINO BARRIOS
El Ministro de Fomento,
J. M. SAMAYOA.

No. 90.

Mr. Williamson to Mr. Fish.

No. 84.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, December 29, 1873. (Received February 5, 1874.)

SIR: I have the honor to say in reply to your No. 26, of date November 13, that I shall comply with your instructions with alacrity, as soon as it is possible for me to open diplomatic relations with a government in Honduras.

Up to the present time there has not been a day since I have been in Central America that a minister could travel to the capital of that unhappy state without incurring great risk of robbery or murder, or other personal violence; and also of having before him the probability of not

finding a government either at the capital or elsewhere. I hope this painful anarchy may soon cease.

I have, &c.,

GEO. WILLIAMSON.

P. S.—Your letter contained my first intimation of the outrage upon the consulate, but to-day a dispatch, No. 296, dated November 12, reached me from Mr. Consul Follin, containing the particulars, and stating all the consulates had fared alike.

Your obedient servant,

GEO. WILLIAMSON.

No. 91.

Mr. Williamson to Mr. Fish.

[Extract.]

No. 90.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, January 3, 1874. (Received February 5.)

SIR: I have the honor to inclose you, herewith, translated copies of the answers of the government of Nicaragua to my communications of which I sent you copies with my Nos. 76 and 77.

Your attention is respectfully called to the difference in the tone of the letter of the 12th and that of the 20th. In the former no objection is raised to any plan of pacification. In the latter numerous diplomatic suggestions or objections are quite pointedly made.

* * * * *

I have, &c.,

GEO. WILLIAMSON.

[Inclosure 1 in No. 90.—Translation.]

Señor Rivas to Mr. Williamson.

NATIONAL PALACE, OFFICE OF FOREIGN RELATIONS,
Managua, December 12, 1873.

SIR: I have had the honor to receive the dispatch of your excellency of the 8th instant.

I thank your excellency for the attention paid to all my communications, and for your congratulations upon the prospects of peace between Nicaragua and Costa Rica. My government receives it as a happy omen that we may come to that issue through the interposition of your excellency's good offices.

My government sincerely applauds the good inclinations of your excellency in that direction, and has instructed me especially to express its gratitude for your tender of good offices in the settlement of the boundary question with Costa Rica. Your excellency may be assured upon that point there will be found on the part of Nicaragua all the acquiescence compatible with the dignity of the state, in order that a conclusion of this vexatious question may be reached. Up to this time no communication has been received from the cabinet of Guatemala relative to the projected meeting of the five Presidents of Central America, with the view of establishing among them friendly relations. This idea having been discussed, as your excellency informs me, by the Presidents of Salvador and Guatemala, the government of Nicaragua will not throw any obstruction in the way of the realization of so important an end. But I must say frankly, it will take part in it without much hope (or faith) in the result, for the reason it does not see what guarantee President Guardia and his minister, Herrera, can

give for the fulfillment of what may be agreed upon at the conference. Nevertheless the question of peace to those states is so vital (as your excellency has well said) that no means must be spared to establish it.

I have the honor to renew to your excellency the assurances of my high consideration.

Yours, &c.,

A. H. RIVAS.

[Inclosure 2 in No. 90.—Translation.]

Señor Rivas to Mr. Williamson.

NATIONAL PALACE, OFFICE OF FOREIGN RELATIONS,
Managua, December 20, 1873.

SIR: I have had the honor to receive your excellency's esteemed communication, dated at Punta Arenas, on the 14th instant, inclosing a copy of the memorandum of the conversation held with President Guardia on the 10th instant, at that port.

I brought to the knowledge of the President your excellency's esteemed dispatch, and of the memorandum, from which, as well as from some other documents received at the same time, he infers, as your excellency, that President Guardia has at last come to a peaceful disposition.

As I stated to your excellency in my dispatch of the 12th instant, neither the government of Guatemala nor that of Salvador has advised this government of their disposition to promote a peaceful settlement with President Guardia, nor have they informed us of what steps they proposed, through your excellency, to take to that end.

I call your excellency's notice to this circumstance, because my government does not consider it in conformity to the letter and spirit of the treaty of alliance by which they agreed as allied republics to take no steps without common consent that would lead to the best guarantees of their interests and welfare. But this circumstance alters not in any manner the disposition already assured to your excellency, that on the part of Nicaragua no obstacle will be put in the way of carrying out any idea that may tend to the re-establishment of peace and harmony among the states, especially if the valuable intervention of your good office may be invoked.

Nicaragua being able to show with authentic documents the culpability of the government of Costa Rica in the acts subversive of peace, is in duty bound to raise to that government its just claims for serious damages to the state and to several citizens; but neither these claims, nor the question of limits for the settlement of which your excellency has tendered your good offices, shall be an obstacle to Nicaragua in entering upon any treaty or convention to secure the peace of Central America.

In reference to this idea of permanent peace, in which your excellency has taken so great and so laudable an interest, the President begs me to call it to your notice that the statements and assurances of President Guardia, made in the convention of the 10th instant, have not yet had the sanction of the actual government of Costa Rica. It would appear any efforts made should have such a firm basis of legality that the acts resulting therefrom should be permanent. In this Nicaragua is more interested than any of the states, owing to her proximity to Costa Rica and the nature of the question now pending between them.

Respecting the personal presence of the President of this republic at the place to be designated for the re-union, there is a constitutional obstacle. He has been authorized by the law, of which I send you a copy, to leave the republic solely with the object of treating about the national unity and not about regulations of peace among the states. However, your excellency may rest assured that the government of Nicaragua shall be properly represented at the meeting.

With the highest consideration, I have the honor to be your excellency's obedient servant,

A. H. RIVAS.

[Inclosure in 2 in No. 90.—Translation.]

MANAGUA, October 22, 1873.

The President of the republic of Nicaragua to its inhabitants:

Know ye that the congress has ordered the following:

THE SENATE AND CHAMBER OF DEPUTIES OF THE REPUBLIC OF NICARAGUA.

Decree.

ARTICLE 1. The President of the republic is authorized, if he thinks it necessary or convenient, to leave its territory with the object of facilitating the negotiations and ar-

rangements relating to the reconstruction of the political union of Central America, leaving the executive power in deposit.

ART. 2. During the next recess, and until the new meeting of the legislative power, the executive may, if the circumstances so require, employ the senators and deputies in diplomatic missions having in view the great interoceanic canal, the national reorganization, and the peace of the Central American states.

Given in the hall of sessions of the senate-chamber, Managua, October the 15th, 1873. Fernando Gurman, S. P.; José L. Avendaño, S. S.; Pedro P. Prado, S. S. To the executive power. Hall of sessions of the chamber of deputies, Managua, October 15, 1873. José Salinas, D. P.; J. D. Rodríguez, D. S.; Francisco Padilla, D. S. Therefore, let it be executed. Managua, October 21, 1873. Vincente Quadra. The minister of the interior, Francisco Barberena.

No. 92.

Mr. Williamson to Mr. Fish.

No. 92.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, January 7, 1874. (Received February 5.)

SIR: I have the honor to enclose you herewith a translated copy of an article on the "general situation" in Central America, published in the "Porvenir," of Nicaragua, in its issue of the 21st instant. The statements contained therein are so correct, according to my information, that I venture to send it to you, only remarking that I am credibly informed the proffered intervention of Nicaragua alluded to therein was rejected by President Arias.

He demanded the troops of Guatemala and Salvador should be withdrawn from the soil of Honduras. At last accounts they were preparing to move on his intrenchments in Comayagua. His force is reputed at six hundred; that of his opponents at twenty-five hundred.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure in No. 92.]

General Situation.

[Article in the "Porvenir," of Nicaragua, of the 21st December, 1873.—Translation.]

The affairs of Central America are getting so complicated that it is very difficult to foresee how they will end, and they are creating such confusion in the ideas of the different political parties that for some time past have been struggling to establish the predominance of their respective principles, that we believe, without fear of error in our calculation, that they will all, before long, be completely at a loss as to the best course of conduct to be followed in order to secure the objects of their aspirations.

Or perhaps this very confusion of ideas, this fruitless and constant struggle of parties which destroys to-day at the cost of great sacrifices the work done yesterday with equally great efforts, may at last cause in the minds of the people of Central America the belief that principles are not discussed, and that the object of this party strife is not the triumph of this or that idea, but that all the issues at stake are questions of interest and personal advantage. If the people become convinced of this the result will be beneficial, as they will not then listen to the call to fight under this or that banner, knowing that obedience to such a call will not be for their advantage, but only to procure to such and such persons the satisfaction of riding over them.

The present state of the affairs of the sister republic suggests these reflections. In that of Costa Rica Señor Guardia continues to perform his farce of self-denial and patriotism, of love and peace, and of zeal for the national interests.

On the 30th of November last he addressed to his excellency the first designado, then in the exercise of the executive power, a letter which was published in the Official Gazette, No. 55, of the 6th instant, in which he stated that grave motives of public policy

obliged him to return to the presidency; that nobody had believed in the good faith with which he had laid down the same for the sake of peace and tranquillity; the different parties having thought it a brilliant opportunity to grasp power, and thus gratify personal ambition; that though not in the exercise of power, he could not forget that he was the true president of the republic, and responsible to the nation if, unfortunately, it should be plunged into anarchy; that, as a principal cause of distrust, the belief was alleged that Gonzalez was an accomplice in the bad management of Guardia, and that this fear, whether founded or unfounded, obliged him to put himself again at the head of the administration, although it might be but during the re-establishment of tranquillity and confidence, thus putting a stop to those party struggles.

Mr. Guardia ended his letter by thanking Mr. Gonzalez for his self-abnegation and patriotism in coming to that post when called to do so; he acknowledged the upright intentions with which he (Gonzalez) had tried to reconcile the interest of all for the public good, and signed himself his obedient servant.

Mr. Guardia's conviction of the necessity of peremptorily removing Mr. Gonzalez before he should compromise, through the policy already inaugurated by him, the future well-being of the republic, is clearly seen in this letter.

However, after having again assumed power on the 1st instant, by a simple decree of the first designado, in which, without any considerations at all, he declares Guardia in possession of the supreme command of the republic, and having accepted the resignation of their respective portfolios, which was tendered by Don Rafael Ramirez and Dr. José M. Castro, he appointed successors to those gentlemen. On the 2d he summoned the second designado, Don Rafael Barroeta, uncle of Mrs. Guardia, alleging that it was not necessary to prolong his continuance in power in view of his desire to return to private life, and adding that Mr. Gonzalez had declared that he could not remain in office. All this is a badly played comedy, because in the very documents published the facts can be seen.

In spite of the great confusion which reigns in these affairs, it can clearly be perceived that in the administration of Costa Rica a sentiment of peace prevails, and it cannot be otherwise, after the failure of Mr. Guardia in all his attempts to disturb the peace of Central America and to obtain a decisive influence in its affairs.

On the other hand it appears that the idea of establishing peace in all the states was a result of the conference held at Chingo. Mr. Guardia has received an invitation to meet with the other presidents of Central America and put an end to the indefinite provisional presidency of Mr. Arias in Honduras, whose government, in the opinion of many persons, is an obstacle to the realization of that idea on account of its excessive rigidity.

It seems very likely that this invitation will be accepted by Mr. Guardia, as it is really to his interest to re-establish friendly relations with the other governments in order to strengthen his rule in Costa Rica. What will our government do in such a case? Will Mr. Quadra, with his good faith and candor of past times, again set out on a fatiguing journey to hear protestations and promises that, for him, have no value whatever? We shall see; but in the mean time let us be permitted to doubt.

In regard to the Honduras question, we believe it has attained proportions not foreseen at Chingo. The discredit into which Arias has fallen is well known, and it seemed very natural to suppose that when a more popular citizen was proclaimed President, under the protection of the allies of Honduras, the whole country would also proclaim such citizen. It seems, however, that some error was committed in the *modus operandi* by which the national susceptibility was awakened, and that Mr. Arias is now in possession of much more power than before.

Still the proclamation of Mr. Leiva has continued its course, he having organized his government at Tegucigalpa on the 8th instant, his cabinet being composed of Messrs. Adolfo Zuniga, Trinidad Ferrari, and General Juan Lopez, who represent the three political parties, viz, radical liberal, moderate, and conservative liberal.

The faction of Finoco proclaimed Mr. Leiva, offering him their respect and love, and protesting that in entering the territory of Honduras they had no object save the overthrow of their country's tyrant.

In the mean time Marshal Gonzalez had collected a considerable number of troops, with artillery and a flotilla, at La Union, with the object of attacking the port of Amapala. Commander Vargas and his garrison behaved like true soldiers, rejecting every summons made them to surrender. Notwithstanding the inferiority of their force, they declared their determination to fight if they were attacked. On the 13th instant, at 3 p. m., the attack against the port began.

The small Honduran garrison made a vigorous resistance, but, after a long and bloody conflict, was forced to yield to superior numbers. Forty Salvadorians and seven Amapalians were killed, while many were wounded on both sides. Marshal Gonzalez directed the attack and General Samayoa was chief of the operations. Soon after the port was taken Marshal Gonzalez landed and took possession of it. The commandant and the garrison of the port were held as prisoners.

Hostilities were thus commenced between the Salvadorians and Hondurans, who have so often fought side by side in defense of the same cause.

The government of Nicaragua, however, offered its intervention in favor of peace, but, as is always the case, seems to have arrived too late to prevent the shedding of Central American blood. This was unavoidable, no manifestations or declarations having been made beforehand to make known such a state of things to the neighboring governments, so that, when this was least expected, the belligerents met with arms ready for battle.

No. 93.

Mr. Williamson to Mr. Fish.

No. 93.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, January 10, 1874. (Received February 5.)

SIR: I have the honor to transmit you herewith a translated copy of the pronunciamiento or decree of Señor Leiva, in which he assumed the provisional government of Honduras on the 23d of November last. It has been impossible for me to get a copy at an earlier date.

The serious charges it contains against President Arias are corroborated from many quarters, and particularly by Consul C. R. Föllin, of Omoa and Truxillo. Like most Spanish-American documents of its kind, its enunciation of principles is worthy of commendation. If Señor Leiva, when installed in power, (as he intimates indirectly in paragraph sixth he will,) gives freedom to the press in Honduras, it will be a step far in advance of any of his cotemporary Presidents in Central America.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure.—Translation.]

Decree of Señor Leiva.

Ponciano Leiva, citizen of the republic of Honduras, having been called to the presidency of this country by public opinion, expressed in various ways—

Considering the notorious unpopularity and discredit into which the administration of Mr. Arias has fallen ;

That during the eighteen months of his government he has proved himself incapable of maintaining order in the interior or of repelling aggression from abroad, as recent facts have shown, and as is well known to all Central America ;

That Mr. Arias, turning his back to the noble and generous principles proclaimed by the past revolution, has established a government which is purely personal and arbitrary ;

That the government of Mr. Arias has maintained the dictatorship longer than was necessary, without any reason of public good, and only with the object of imposing his election upon the people ;

That he has suppressed all liberty, keeping the press muzzled, and restricting the right of suffrage, which are the basis of all republican governments ;

That the most sacred civil rights, which existed prior to and are above all legislation, have been violated in all the departments of the republic by order of the government of Mr. Arias, or with his consent ;

That the military executions, proscriptions, and arbitrary imprisonments, accompanied by the most inhuman acts, confiscation in all its forms, have been exercised on a large scale in the republic, all in the name of democracy and liberty ;

That the anarchy into which Honduras is sunk is the logical consequence of his errors and arbitrary management ;

That it is absolutely necessary to put a stop to so abnormal and violent a state of things, to enable the people to enjoy peace, order, and true liberty ;

That public feeling and opinion generally manifest the necessity of a change of administration ;

By the right of insurrection, proclaimed and sanctioned by all the enlightened nations of Europe and America, declares—

1st. A new provisional government is inaugurated in the republic of Honduras.

2d. In the mean time, until the cabinet is fully organized, I appoint temporarily to take charge of the departments of foreign relations, government, justice, public instruction, improvement, and ecclesiastical affairs, the Licenciado Don Adolfo Zuniga, and for those of war and finance, Lieutenant-General Juan Lopez.

3d. The new government will proceed to the organization of all the branches of the public service immediately.

Done and signed at Choluteca on the 23d day of the month of November, 1873.

PONCIANO LEIVA.

ADOLFO ZUNIGA.

JUAN LOPEZ.

No. 94.

Mr. Williamson to Mr. Fish.

No. 94.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, January 14, 1874. (Received February 5.)

SIR: I have the honor to inform you that in an interview with the minister of war of this state to-day he exhibited to me what purported to be duplicate copies of the demands made by the commanding officers of the forces of Guatemala, Salvador, and of Señor Leiva's provisional government upon President Arias for the surrender of Comayagua and his vacation of the presidency.

The demands are joint. They are quite temperate in language, and allow President Arias three days to reply. They bear date 3d January, 1874. If, at the expiration of the three days granted, President Arias does not comply, he is notified the responsibility of the consequences must be borne by him and his confederates. The commanding officers state to President Arias they know his actual force, and that it is daily diminishing by desertions, while their own is six times his in point of numbers, with complete equipments and munitions. They profess to wish to avoid a useless destruction of life and property in so unequal a contest.

In an official letter from General Solares, commanding the troops of Guatemala, which was also shown me, he states the plan of operation of the allies if President Arias refuses, and maintains he has reliable information Arias has but four hundred men. He adds, that he has reason to believe a large part of those will desert as soon as the fight begins. He expresses the expectation that Comayagua and the President may be captured without much loss of life or property.

I ventured to ask the minister whether he thought President Arias would yield to the demands. He said he was an obstinate man, and that Central American Presidents held on to their offices, as a general rule, until they were shot or banished.

In a few days intelligence ought to reach here of the result of the above-mentioned proceedings. I shall communicate it as soon as received.

I have, &c.,

GEO. WILLIAMSON.

No. 95.

Mr. Williamson to Mr. Fish.

No. 99.] UNITED STATES LEGATION IN CENTRAL AMERICA,
LIVINGSTON, IN GUATEMALA,
January 23, 1874. (Received February 20.)

SIR: I have the honor to inform you that the government of President Arias has been overthrown, and he is now a prisoner.

The attack upon Comayagua was made on the 8th instant. After five days' desultory skirmishing President Arias surrendered himself and his small garrison of about three hundred men to the commanding officer of the forces of Guatemala, Salvador, and of the provisional government of Señor Leiva. Ex-President Medina was liberated from the prison in which he has been kept in close confinement by President Arias for nearly two years.

The government of Leiva has no opposition now, and as it is the only one of any kind in Honduras, I propose to avail myself of the opportunity to present my letter of credence.

I hope this action may not be considered hasty, and may meet your approval.

My route will be via Omoa and Puerto Cabello, and thence across the state of Honduras to Comayagua. In order to obtain transportation it will be necessary for me to go to Belize, as there are no boats, except open dories or bungaloes, plying between this point and the ports of Honduras. Making due allowance for the necessary detentions, I cannot hope to be back in Guatemala before the 1st of March.

I have, &c.,

GEO. WILLIAMSON.

No. 96.*Mr. Williamson to Mr. Fish.*

No. 100.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Belize, January 27, 1874. (Received February 20.)

SIR: I have the honor to report that, upon my arrival here yesterday evening, I met with a dispatch from Mr. Charles R. Follin, our consul, now residing at San Pedro, in Honduras, which fully confirms the intelligence communicated to you in my No. 99. The English vice-consul at Omoa, Mr. De Broot, also stated to me to-day the contents of a letter he had received within the last few days from General Solares, commanding the forces of Guatemala in the capture of Comayagua, in which that general details the result of the five days' skirmishing, and mentions, in addition to the other facts stated in my No. 99, that General Straeber, of "Omoa" fame, was mortally wounded. General Straeber commanded the troops of President Arias, reduced at the time of the surrender, by desertions and casualties, to about two hundred men.

I expect to leave here on the 29th instant for Omoa.

I have, &c.,

GEO. WILLIAMSON.

No. 97.

Mr. Williamson to Mr. Fish.

No. 107.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Comayagua, February 19, 1874. (Received April 2.)

SIR: I have now the honor to inclose you a copy of the demand for satisfaction for outrages at Omoa in July last, made in accordance with your instructions, (the number of which I am not able to give on account of absence from my office,) and of the reply of the government of Honduras. The conversation referred to in the last paragraph of my letter to the minister was held with President Leiva, in the presence of his cabinet, just after my official reception. In that conversation he and his cabinet expressed the most profound regret for the occurrences complained of, and asked what would be satisfactory to my Government. I replied it was impossible for me to say at that moment, but that, although the outrage was so grave a one it might have become a "*casus belli*," and resulted in consequences more serious to Honduras than the bombardment of the Fortress of Omoa, I was prepared to believe my Government, under the peculiar circumstances of the case, might be satisfied with an apology, a salute of twenty-one guns to the consular flag from the fort when it was again raised at Omoa, and a decree forever prohibiting the officer commanding the forces at the time of the outrage from ever again holding a military or civil office of profit, trust, or honor in the republic of Honduras. I understood all of them to concur in the expression of the view that such a satisfaction as I indicated would be readily conceded. The President asked time to investigate the facts, and informed me that he had men under arrest and in the way to Comayagua, the judge of the first instance and sixteen citizens of Omoa, who were reputed to have been the leaders in the numerous outrages alleged to have been committed. General Straeber, he said, had escaped into Salvador, but he proposed to make a requisition for him and bring him to trial.

I beg to be further instructed what to do in regard to this matter.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure 1 in No. 107.]

Mr. Williamson to Señor Zuniga.

UNITED STATES LEGATION IN CENTRAL AMERICA,
Comayagua, February 19, 1874.

SIR: I have the honor to state that on or about the 10th of July last the flag of the United States, then flying over the office of Consul Charles R. Follin, at Omoa, was hauled down by a mob of soldiers and citizens of Honduras, and treated with marks of disrespect; and that at or about the same time the same mob violated the sanctity of the said consular office and property at Omoa, by breaking into the office, destroying and mutilating some of the property, and exposing the correspondence of the said consulate of the United States to public inspection. All these acts were in violation of international law and of the subsisting treaty between my country and Honduras. At the date of these unhappy occurrences Señor Arias was acting as provisional President of Honduras, and General Straeber, who commanded the forces at Omoa, was his appointee; but as it was impossible to open diplomatic relations with the government of Señor Arias, and his excellency President Leiva has succeeded to the executive office of the republic, it becomes my duty to address myself to him for redress.

Under instructions from my Government, I therefore have the honor to ask that full and prompt satisfaction be rendered for said outrage upon the flag of the United

States and violation of the property of the consulate at Omoa. Referring your excellency to my conversation with his excellency the President to-day, in the presence of yourself and other members of his cabinet, on this subject, I beg to express the hope his government will find no difficulty in acceding with promptness to this just demand of my Government, and that no interruption may occur in the friendly relations which have so long happily subsisted between our countries.

With the assurance of my high consideration, I remain, &c.

GEO. WILLIAMSON.

His Excellency SEÑOR LIC'DO DON ADOLFO ZUNIGA,

Minister of Foreign Affairs.

[Inclosure 2 in No. 107—Translation.]

Señor Zuniga to Mr. Williamson.

OFFICE OF MINISTER OF FOREIGN AFFAIRS,
Comayagua, February 19, 1874.

MOST EXCELLENT SIR: I had the honor to receive your excellency's official dispatch of this date, in which you make known to this government that, about the 10th of July of the year just passed, citizens of Honduras and soldiers belonging to the forces under the command of General Richard Straeber, at Omoa, broke into the office of the United States consul, Don Charles R. Follin, sacking the archives of the consulate, and scattering and destroying some of the papers, and that on account of these acts your excellency expected the government of Honduras to give prompt and complete satisfaction to the Government of the United States.

The citizen President, before whom I have laid your excellency's dispatch, instructs me to inform your excellency that the government of Honduras deplores these events; that, led by the public rumor of their having occurred, he has given orders for the reconstruction of the judiciary at Omoa, and for a rigid inquiry to be instituted in regard to the acts that are the foundation of the reclamation of your excellency. If they are found to have been done, then the government of Honduras will have no difficulty in doing justice to the Government of the United States, according to the laws of nations. Perhaps the fact of the overthrow of the government of Señor Arias, under whose orders General Straeber acted, is one of the best satisfactions which the government and people of Honduras may have been able to give to the Government of the United States.

I hold it a great honor, Señor Minister, to offer myself as your attentive and obedient servant,

ADOLFO ZUNIGA.

No. 98.

Mr. Williamson to Mr. Fish.

No. 109.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Amapala, Honduras, February 26, 1874. (Received April 18.)

SIR: I have now completed my journey from Omoa through the most populous portions of Honduras, and it seems proper that I should have the honor of giving you the result of my observations in regard to the probable permanency of the newly-established government of President Leiva.

He seems to be very much beloved and esteemed along my whole line of travel, and is reputed to be equally so in other parts of the country. Foreigners and natives alike spoke in terms of high praise of his intelligence and disinterested patriotism. They expressed no doubt that he was and is the popular choice of Honduras. The condemnations of the usurpations and tyrannies of Arias were unmeasured and universal. Leiva holds his office by the same terms that Arias did, both being provisional Presidents, or, as they would probably be called in our country, revolutionary Presidents. They are both civilians, without any military prestige, and before the usurpations of Arias, he was thought to be as free from am-

bition as Leiva now is. He was never a popular man, I am told. It is idle to speculate upon what effect may be produced upon Leiva by the exercise of power, or upon what changes of policy may result from a more practical knowledge of the peculiar characteristics of his people; but I am somewhat hopeful he may be able to adhere to his republican ideas, and afford to Honduras a stable and good government. He has made the impression upon me, at least for the present, that he is a man of firm character and fixed principles, and likely to be subject to the mutations that seem to come over the rulers of these countries when they find themselves well installed in office.

My dispatches heretofore have contained so much about this gentleman that I will not trouble you with more, save only to say he treated me with distinguished courtesy during my stay at his capital, and gave me a handsome official banquet on the day of my reception. His cabinet was present. In reply to the toasts to the President and his representative present, I took occasion to repeat as briefly as possible the sentiments expressed by you in your report to the Senate, which I quoted in my address in Salvador, and in a dispatch of Mr. Seward, dated October 28, 1862, written in reply to a request from the government of Guatemala to take the advice of President Lincoln in regard to certain "projected organic changes in the governments of Guatemala and other Central American republics."

I hope to arrive at Guatemala by the 2d or 3d of March. The upward-bound steamer is due here to-day.

I have, &c.,

GEO. WILLIAMSON.

No. 99.

Mr. Williamson to Mr. Fish.

No. 114.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, March 16, 1874. (Received April 20.)

SIR: Inclosed I have the honor to send you copies of correspondence with the government of Nicaragua. Allow me to invite your special attention to my reply, and also to the dispatch of the late Hon. W. H. Seward, to which it refers. It is dated October 28, 1862, and is addressed to Mr. E. O. Crosby, the minister to Guatemala. I am thus particular in describing this statesmanlike paper, because I have not seen it published among the public documents.

The translated copy of Mr. Rivas's dispatch of 20th of December, of which he inclosed me a duplicate-original in his of the 10th of February, was sent you with my No. 89.

I have, &c.,

GEORGE WILLIAMSON.

[Inclosure 1 in No. 114.—Translation.]

Señor Rivas to Mr. Williamson.

OFFICE OF SECRETARY OF FOREIGN AFFAIRS,
Monagua, February 10, 1874.

SIR: As, since your return from Costa Rica, I have not had the pleasure of receiving any of your esteemed favors, I do myself the honor of accompanying this with my duplicate dispatch of the 20th December last.

The situation of Nicaragua in respect to Costa Rica is pacific, that government having ceased all its acts of hostility, but the diplomatic relations have not been renewed, although this office has made an overture with that view to the government at San José.

The equal silence which prevails on the part of Guatemala and Salvador is readily explained by their occupations with the questions of Honduras, and on account of the presence at the capitals of these republics of the minister plenipotentiary from this government, I place these matters specially before the notice of your excellency, because the interest you have manifested in having a general and permanent peace established in Central America entitles you to these minute details of the relations between the governments.

Just now it has become privately known that Dr. Lorenzo Montufar has started, or is about to start, on a mission from Costa Rica to the governments of Guatemala and Salvador. It is generally believed to be a pacific mission, but the coolness existing between this government and that of Costa Rica, and, perhaps, a suspicion of a secret enmity on the part of the latter, does not allow us to feel secure that it is altogether with the end of promoting peace and harmony.

Being well assured of your excellency's impartiality and correct judgment and noble anxiety for the tranquillity of these states, I lay before you the situation, so that you may be able to examine into these things, in order to give effect to the laudable desire that has always inspired you. I improve the opportunity to renew to your excellency the assurance of the high respect and consideration with which I subscribe myself,

Your true and attentive servant,

A. H. RIVAS.

Hon. Señor DON GEORGE WILLIAMSON,

Minister of the United States in Central America, Guatemala.

[Inclosure 2 in No. 114.]

Mr. Williamson to Señor Rivas.

UNITED STATES LEGATION IN CENTRAL AMERICA,

Guatemala, March 16, 1874.

SIR: I have the honor to acknowledge the receipt of your excellency's esteemed favor of the 10th ultimo.

Let me first assure you that a want of a reply to your favor of the 20th of December has been caused by my long absence in Honduras on official business; and the delay of one mail in answering that of the 10th of February is due to the fact that since my return, on the 3d instant, I have found the fatigue and exposure I had undergone had so affected my health, and particularly my eyes, that it was almost impossible to attend to my correspondence. I shall hope your excellency will be pleased to accept this apology.

Notwithstanding the flattering terms in which you have chosen to speak of the interest I have taken in the pacification of Central America, upon a basis that promised permanency, you do nothing more than simple justice to me and my Government in your estimate of its degree. But your excellency justly understands that the states, being sovereigns, and under able administrations, are capable of managing their own relations far better than any foreign country, no matter how friendly that country may be; and also, that I might defeat the very honorable object of my Government, of promoting the pacific settlement of all debatable questions in Central America by taking a more active part than has already been done, or by prosecuting that part further at present.

If what seemed to me, a stranger, a desirable mode of adjusting complications between the states is defeated, or declined for any cause, it affords me no occasion for complaint, nor will it in the least abate the concern with which I shall regard future developments. It may prove a consolatory reflection, should any disappointment be experienced, that I did not inaugurate the plan, and possibly it may be allowable for me to flatter myself by a recollection of the fact that all active preparations for war ceased, on both sides, so soon after it seemed probable the re-union of the Presidents would take place.

Whatever merit attaches to my participation in producing this happy truce, or peace, is but another evidence of the sincere friendship of my Government for Nicaragua. As the representative of my country in these states, my mission is to promote a good understanding, as far as it is allowable, without giving cause of offense or involving my Government in a voluntary responsibility, which it does not pertain to its functions to assume.

The experience of your excellency renders it almost needless to say that the sympathetic interest the United States has always taken in the republics of Central America

has not been inspired by sentimental ideas, but is rather the natural outgrowth of near neighborhood, and of a generous desire that other independent states on the continent may enjoy the blessings of republicanism a good Providence has so bountifully bestowed on them. I submit, for your excellency's perusal, the accompanying copy of a dispatch from Mr. Seward, when Secretary of State, and take leave to add, that distinguished statesman, in this eloquent paper, suggests a policy of the United States in regard to the affairs of Central America which seems to be based upon a philosophy so sound, that I do not question it will commend itself to your unqualified approval.

Your excellency will allow me to express my profound regret that diplomatic relations had not been resumed between Nicaragua and Costa Rica at the date of your letter, and also the hope that they will be happily established before this reaches you.

In reply to that part of your excellency's letter in regard to the mission of Mr. Montufar, I have only to say that he is reported generally to be here on a confidential mission from the government of Costa Rica. He has had no official reception, and he has not been officially recognized here, up to this time, by the diplomatic body. I have had the pleasure of seeing him several times socially, but have no information as to his mission, if it be of a political nature.

By this mail I send, to the care of your excellency, four volumes, entitled "Papers relating to the treaty of Washington," which you will oblige me by causing to be delivered, with my compliments, to the Hon. Tomas Ayon, the recent minister plenipotentiary and envoy extraordinary of your government to Guatemala, whose pleasant acquaintance I had the good fortune to make. I have the honor to renew to your excellency the assurance of my high consideration.

Your obedient servant,

GEO. WILLIAMSON.

Hon. A. H. RIVAS,

Minister of Foreign Affairs, Managua, Nicaragua.

(Inclosure in 2 in No. 114.)

Mr. Seward to Mr. Crosby.

No. 31.]

DEPARTMENT OF STATE,

Washington, October 28, 1862.

SIR: Your very interesting dispatch of the 21st of September, No. 22, has been submitted to the President. He is profoundly affected by the consideration which is manifested toward this Government by His Excellency the President of Guatemala in his proposal to confer with it concerning projected organic changes in the governments of Guatemala and other Central American Republics. Whether the natural positions of these states, their respective material resources, their natural and artificial channels and highways, and the interests, sentiments, habits, aspirations, and sympathies of their various populations favor at the present time an intimate political and mutually defensive union, are questions upon which it would be presumptuous for foreign statesmen to pronounce. The inquiry about the proper government for any country is not always what is theoretically the best possible political system which has hitherto been devised among men, but what is the best political system which the people of the country will peacefully accept and confidently maintain. How to choose this best possible political system is a question upon which foreign advice is not only naturally but even justly and wisely suspected. Jealousy upon that subject is the chief foundation of national independence. The President regards the agitation of the question of a re-union of the Central American Republics with favor, not, however, because he is prepared to say that the measure is practicable or expedient, but simply because it indicates a conviction that there are some common evils existing in the several states of Central America which are constantly reproducing civil and international wars, and a will and a purpose on the part of American statesmen there to correct them. The United States are too earnestly desirous for that correction to embarrass the parties concerned with advice which any class of the people of Central America, or any foreign state, might injuriously represent as proceeding from other than the most disinterested motives. Whatever may be the decision at which the consulting parties may arrive, it will be respected by the United States as wise and judicious, and they will remain equally the friends of the Central American powers, whether they re-unite or prefer to remain distinct and independent.

You may read this dispatch to the minister for foreign affairs, and give him a copy if he shall desire it.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ELISHA O. CROSBY, Esq.,

&c., &c., &c., Guatemala.

No. 100.

Mr. Williamson to Mr. Fish.

[Extract.]

No. 120.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, March 23, 1874. (Received April 20.)

SIR: I have the honor to inform you the government of Guatemala has recently issued two decrees in regard to the religious orders of the country.

One decree has for its object the abolition of all convents and monasteries and the confiscation of the property; the other prohibits the priests from wearing their clerical dress in the streets.

Both decrees have been executed with military promptness and rigor. The nuns are now guests in the houses of their friends. Among them is an American lady, the prioress of the convent of St. Teresa, to whom I have offered the hospitalities of the legation.

* * * * *

I have, &c.,

GEO. WILLIAMSON.

No. 101.

Mr. Williamson to Mr. Fish.

No. 124.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, March 26, 1874. (Received April 28.)

SIR: I have the honor to report that reliable information has reached me of a recent attempt to overthrow the government of President Guardia of Costa Rica.

It seems to have been the renewal of a plan, formed during the ten days' administration of Gonzalez, in the latter part of November last. At that time it was frustrated by Guardia's suddenly re-assuming the executive power and gratifying some of the disaffected army officers by promotions.

The failure lately is attributed to the indiscretion or infidelity of one of the revolutionists. Whatever the cause, it is quite certain Guardia had sufficient notice to arrest the chief movers. The leading man, when called before the President and interrogated, "Who are your confederates?" is said to have replied, "All the honest people of Costa Rica."

I happen to know this unfortunate gentleman. He is a merchant by profession, and a man of large fortune, which he has used so advantageously in travel that I found him one of the best-informed men I have met with in Central America. His name is Joaquin Fernandez. He has never been in political life, and is believed to be without aspirations.

It is said he assumed the organization of the revolution with the view of ridding Costa Rica of Guardia and his followers, and for the purpose of placing in the presidential chair Ex-President Castro.

Doubtless he will be shot. My information is that San José, Cartago, Heredia, and Alajuela were all ripe for revolt against Guardia when the infidelity or indiscretion before mentioned occurred. The towns

named embrace in their limits and vicinity almost one-half the population of Costa Rica. * * * * *

Should there be a revolution, would it not be advisable for me not to recognize the new government until after a popular election? Guardia was elected, or passed through the forms of an election, and is therefore a constitutional officer. In this he differed from Arias of Honduras, who was not elected, but was acting provisionally, or, in our language, by revolutionary right.

I have, &c.,

GEO. WILLIAMSON.

No. 102.

Mr. Williamson to Mr. Fish.

No. 126.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, March 31, 1874. (Received May 13.)

SIR: I have the honor to inclose you a translated copy of an address recently issued by President Gonzalez to the people of Central America.

It is not as well translated as I should have wished, but about as well done as was possible with such a document.

In it the President gives what I understand to be a correct history of the faithlessness of Señor Arias, and the elevation of President Leiva to the Presidency of Honduras.

Those passages that are most important I have marked in the margin, but I beg to call your attention to the remarks on the identity of Central American interests, to be found on pages 22, 23, 24, and 25. You will notice on page 28 he charges President Guardia, of Costa Rica, with being the protector of the Palacios expedition.

It is altogether so remarkable a document that it seemed to be my duty to send it to you.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure.—Translation.]

Address of President Gonzalez, of Salvador.

FELLOW-CITIZENS: In the presence of the grave events which have transpired in the republic of Honduras, I ought not to persist in absolute silence.

A soldier of the republican cause, a citizen of a democratic country, and the magistrate of a free people, I fulfill at this time the pleasing task of speaking with my natural frankness, for the purpose of making perfectly clear the policy of the government over which I preside, as far as it has relation to the liberty and peace of Central America.

Under existing circumstances, and recognizing the supremacy of the rights of the people, I do not fear to express the ideas and sentiments with which I am inspired, deciding me to act as the first responsible functionary of my country.

I do not fear to tell the direction which I give to her institutions, and the projects which I entertain with the expectation that they may be realities of the future, for though I respect I do not dread the judgment of my cotemporaries, and I await with confidence the decision of posterity, which knows how to do justice to the conduct of public men.

These convictions strengthen me to explain to the inhabitants of Salvador, to other Central Americans, and to the men of every clime who may give us their attention, why and for what purpose the sovereign power of this republic, symbolized by her flag and by her arms, has been in action on the fields of Honduras. What has just occurred there is a necessary consequence of antecedents which I am now going to

recall in order to present in full light a situation which those who have not been able to penetrate its depth behold as gloomy, and which they who wish to obscure the truth (which shines in deeds, in order to dazzle its adversaries) represent as gloomy and sad, with the view of making execrable the objects of their venom, to open slowly a subterranean road to re-action. Placed here in Salvador, in the difficult position of an armed representative of a revolution which, since 1871, has been reproducing the opinions and inclinations, the promises and hopes, which animated the founders of the independence of the republic, I have not been able to regard as a fallacious illusion, as a beautiful chimera, as a seductive falsehood, the programme of the patriots who pronounce the word "liberty" in order to fashion a labarum, under whose folds should rise the nations which lie in immobility and in silence under the load of slavery. From the bottom of my heart I have always rendered ardent veneration to human rights, and the grand beings who have consecrated it by heroic sacrifices, with the examples and teachings of regenerated republicanism. I have always had, and have still, in all of its integrity, a profound faith in the redemption of the people oppressed by errors and prejudices which are nourished by the enslavers of mankind.

I have had, in like manner, and have still, a great confidence that truth shall pass before falsehood, justice before iniquity, and civilization before barbarism, in the interminable road of progress.

With this constant disposition of my moral nature, I have abandoned in a solemn moment the sanctuary of my family and the costly fruit of the long and painful labors of my life, in order to seek a tomb for my country, or a laurel, whose shade the transformed people of Salvador might hail. I had the fortune to obtain the last, and since then an exalted sentiment of my heart has bound me with much more force to the principles which I profess as to men, whatsoever may be their merits, the gratitude which may be due to them, and the rank which may be accorded them in the public estimation.

By the strengthening and practice of these principles I have drawn down the wrath of a prolonged revolutionary tempest and the thunderbolt of civil death upon my head. I have renounced that easily-gotten popularity which those who court public opinion obtain by unlawful transactions and personal complaisance, which sacrifice the common interest to private and bring in subjection to passion the rectitude of conscience and the ascendancy of ideas.

Fellow-citizens: For the ephemeral gratification of occupying the first post of command in Salvador, for the fleeting glories of power, I could not have contemplated the bloodshed of the people, have compromised my existence, and cast my name in the field of human conflicts, where reputations fall and rise, with no other reason than the caprice or expediency of the moment, where passion adores and forsakes its idol in a day.

Making sacrifices which I should not overestimate, I have procured the complete termination of a revolution which, by its vigor, by its date, by its internal and essential relations, and by the changes it has brought, has a character purely Central American, and an exalted mission to accomplish, opposite to the most absolute reactionary movement for a long time incarnate in these five states, in these five members of the family, which was born in one common place, and for which there is but one fate; nor should it have but one thought and one head.

That inclination, that mission of the innovating movement of which I speak, has caused to yield those who have not conformed to it by just consequence.

It is for that reason, that when General Medina, who was President of Honduras, wished to hinder and abandon the work in which he had taken part, in order to preserve his power from a dangerous enemy, he fell a victim like many others to his want of faith in the cause of liberty which he had just invoked, for it is impossible to turn at will the inexorable logic of human things.

You know very well, fellow-citizens, that in the memorable year 1871 was proclaimed here, after a prolonged repression, the exercise of the original rights of man, beginning an era for expansion of ideas and sentiments hidden in the breasts and in the minds of a society made dumb by terror.

In that period of activity and of political fever, a few Hondurans, who were suffering here the lingering sorrows of exile from their home on account of a discretionary government, which was intolerable to them, raised their voices in tones of complaint, of lamentation, of protest, and of anathema, in order to make known the griefs and the sufferings of Honduras, to ask compassion and assistance from their brethren, to paint with lively colors the misconduct of a ruler, converted at his pleasure into a sovereign, into the all-powerful arbitrator of a people which has such glorious traditions, and has given such splendid figures to letters and to liberty.

General Medina wished to condemn me for the immediate effect of the principles proclaimed attributing to my changeableness in our personal relations that which was the spontaneous birth of the democratic doctrines in application.

The lamentable blindness of this most personal of politicians made imminent, made

unavoidable, made a reality, war between two administrations, which a short time before had hoisted the same standard in the sight of Central America.

The passion of my enemies has made them say, more than once, that I have been ungrateful to the former President to whom I refer. They pitifully confound that which he did for his own preservation, and the noble sacrifices which the generous Honduran population dedicated to the liberty of Salvador, with the private benefits which I should have acknowledged in my simple condition of man, if I would have received any.

If General Medina has compelled in any way my gratitude in public life, I have had to be ungrateful to him in order to be grateful to this people and to the Hondurans, and consequently to the principles, in which I have made a very sincere and very high profession of faith.

When the cabinet of Comayagua condemned the use which was here made of the public liberties, as they formed the safeguards of Honduras, it committed a grave offense against this republic, and against the unfortunate sister who so many times has poured out her blood for the practice of those same liberties, notwithstanding it was from her bosom, and attacking objects to me so sacred. That cabinet also attacked the democratic institutions, which, as I have already said, are of much more value, in my judgment, than the most conspicuous and extraordinary man in the world.

In consequence of this I was led to the direful extremity of war, which was declared against Salvador, and which I accepted without irresolution, in order to discharge with firmness my duty as a soldier and as a President.

In the supreme hour of this crisis to which I am referring, in the beginning of the struggle undertaken from the motives which I have already assigned, when the fate of all these people hung upon the hazard of a conflict, the licentiate Don Celeo Arias presented himself in this capital, not as a proscribed person, or an emigrant revolutionist for the redemption of his country, but as a man ready to enter the most favorable current of events.

Señor Arias had not the good fortune to consecrate to the assistance of Honduras the sacrifice of a dear interest, the effective work of a patriot in action, or useful or generous thought for the press, and notwithstanding this, he was appointed from this place to succeed General Medina in the chief magistracy, which at that time was vacant.

And Señor Arias was appointed for such purpose by some of his fellow-countrymen, who at that period represented in this place Honduran patriotism, for I invited them to select a person who, transitorily, might be as a national type as a representative of the opinion which was agitated by the neighboring people on the occasion of the change of the *personnel* of the government.

I knew very well that a few persons, though they may be important ones, cannot constitute the autonomy of an independent state, and that, consequently, the election of Señor Arias for provisional President of Honduras, made in Salvador by a small minority of that country, is a political step which was taken very far from the will of the people, which democratic revolutions require for their legitimacy and justification.

But, under the circumstances to which I refer, no other thing could be done. I did not wish to go to battle against the new chief of the reaction, presenting myself in the field as a conqueror who proposes to make his will felt over the destinies of a people.

I did not wish—I did not even think—to give this or that chief to the Honduranian society, but I judged then, and I think still, that the authors of the first act of the drama in which Señor Arias suddenly appears with applause, on account of the nationality to which they belong, on account of their political and civil condition, and the ideas which they sustained to the end, could very well, if not found a provisional government, clothed in competent authority, serve as a guarantee, and a homogeneous element, so that the majority of their fellow-citizens could give it their support and full assent.

The principal actors of that episode of the drama which is still being unfolded know perfectly well that I tell the truth without coloring or alteration. I tell it clearly and fully, for it so comports with my dignity and character. Thus it accords with history, thus it is necessary for me, in order to demonstrate my fidelity to the doctrines which I proclaim, and to make plain in relief, and not as a sketch, the firmness with which I have proposed to proceed in the high office which I occupy.

For the motives and under the auspices which I have expressed, the war of 1872 was entered into, Señor Arias being carried under the protection of the Salvadoran files, to the end that he should be proclaimed provisional President of his country, and that he might make a call upon the national opinion in order to proclaim the foundations of peace and of law, driven from the Honduran borders.

As a guarantee that to this alone his endeavors were directed, this same Señor Arias pledged himself to me in the city of Gracias to procure quickly the reconstruction of the republic, and to give all of his moral support to the candidacy of Señor Don Ponciano Leiva, who for some time past enjoyed in his country more popularity than any other public man.

That promise was not fulfilled, not even in appearance, and I wished to conceal such a grave fault, banishing it to silence for the sake of concord and peace.

The troops of this republic conquered in all the combats in which they engaged, removed the Medina administration, giving its situation to the one which came to replace it, with a programme of solutions and reforms in favor of liberty.

That field happily crowned by us, our valiant and honorable struggles did not leave in their passage gibbets raised by them in order to sacrifice patriots, spoliations and taunts perpetrated in the abuse of strength; they did not return to their point of departure carrying booty, as those who conquer do in all the world; they were not an onerous tax, oppressive, unjust clauses to the government of Señor Arias, which remained established in Comayagua without any danger, and founded with absolute independence by those who by their heroism carried him from the camp to the throne.

That work concluded by the valiant and opportune aid of the government of Guatemala, Honduras has seen that the external troops, who overthrew the tyranny which overwhelmed her, did not remain as the invading troops of another time, an open furrow in the heart, and the seed of discord sown by violence.

In a contrary sense, the aid dispensed to a government which was proclaimed without affront or resistance, for the country which saw it appear as a great promise of justice and reparation, made to palpitate a sentiment of brotherhood in the liberal hearts of those people, united by nature and by common sacrifices, and there remained established the most perfect political consolidation of the cabinets charged with the relieving of their destinies.

This consolidation, this close alliance, is the expression of a fundamental and unalienable truth, which rules the interior life of Central America, whose organic unity, the artificial separation of her members, her badly-understood interests, and the passions engaged in pursuing a like absurdity, have not been able to destroy.

The experience of the events place at each step, in evidence, that truth which we forget from seeing isolated parts, instead of studying the intimate relations which bind the whole.

The filibuster takes a port on the shores of Nicaragua, and Central America puts herself in motion, and rushes united to combat in defense of her independence and her privileges as attributes of one people threatened with conquest and usurpation. One government falls, and another rises in the morning or in the evening, and the occurrence holds its place through the action of a neighboring power, which has given its support and its resources to the triumphant opposition.

Such a political phenomenon has its cause, or its reason, in the identity of aims of sentiments, and of interests which exist between the liberals on one side, and on the other between the reactionists in all of this central part of the American continent.

A revolution or intestine war bursts out in any of our republics, and the Central American people is disturbed, as the human organism is disturbed when one of its sensitive nerves is affected or one of its arteries is wounded. This incontrovertible fact, proved by the history of our life of independence, causes the general principles of public right to suffer here profound modifications in their application in obedience to what might be termed the peculiar and exceptional politics of Central America.

If to this consideration is added the circumstance that the government of Señor Arias was established in consequence of the success obtained in Honduras by the united arms of Salvador and Guatemala, the intervention of the allies remains fully justified, so far as it has relation to fighting a common enemy, and to procuring the security and the unfolding of the politics which they sustain.

Short of this transcendental point, the administration with which I occupy myself has had the most complete liberty of action during the twenty months of its existence.

Established in a dictatorship from its commencement, it has exercised its power at discretion and absolutely, employing harsh measures, condemned with bitterness by the most distinguished Hondurans, because, before the filibustering expedition of Señor Palacios they had not had in their country either wars, rebellions, or tumultuous crowds of such magnitude as might make necessary the prolongation of that dangerous form of government beheld with repugnance or distrust by the liberals of the monarchical system and of modern republicanism.

The long duration of such a rule gave occasion to many and very conspicuous countrymen of Señor Arias to address themselves privately to me, informing me that he defrauded the faith and hopes of the liberals, that his conduct contradicted his words, and that the means of his power being weakened by this he would very soon be without strength to resist the sudden energetic attacks of the reactionists and to stifle any unforeseen movement of the demagogues.

I heard with composure any such insinuations, trusting that in spite of such an anomalous situation, the society of Honduras would at last legally establish their government. But, nevertheless, I did not confine myself to an attitude of expectancy, since at different periods I have sent out from this republic six expeditions, with the object of putting down insurrectionary movements which threatened the existence of the government to which I allude.

Penetrated by the sincere respect which the self-government of the sister and allied country merited from me, I allowed myself to solicit privately and in a friendly manner the liberty of General Don José Maria Medina, under my guarantee, without prejudice, to which, according to the laws, he might make himself responsible for his conduct as governor.

My demand being refused by the provisional chief, lately expelled, I yielded it, preserving the most profound silence in homage to his right.

But there came the undisciplined expedition of the Sherman, organized in Costa Rica, and protected by General Guardia, President of that country; but there came united the principal reactionists of the whole of Central America, giving the voice of war from the Atlantic coasts of Honduras against all of the existing liberal governments, as if in that territory should be decided the fate of two bands, which since 1821 have kept up a perpetual duel in these territories; and in this eventful hour, in the face of an adversary who appeared suddenly with very deficient power, the dictatorship of Comayagua was feeble and insufficient to conquer it unaided, as proved by the reverses of Opoteca and the triumphs of Chamelicon and La Paz.

The forces of Salvador did not enter the field until it was absolutely necessary, when the enemies of liberty were infesting even the suburbs of the capital of Honduras, and in that place was reeling the unpopular administration which has just bequeathed its name to history.

When I saw myself obliged to move the division of Espinosa, I deemed it opportune and suitable to address a private letter to the licentiate Señor Arias, supplicating him to resign to one of three honorable and impartial persons the power which he was exercising so painfully and violently. That document was written in terms respectful, but frank and faithful, and it contains friendly reflections, dictated by a sincerely republican spirit. For this reason I wish that it may see the public light in order to serve as a corroboration of my assertions and to make more patent my right intentions.

A few days after I had taken this step the conference of Chingo took place, where, with the President of Guatemala, we consulted one more time to secure the liberty and peace of Central America. There was present in confederation with that Mandatoria Señor Don Ponciano Leiva, the most popular political personage of Honduras, and after having spoken cautiously about the painful situation of his country, General Barrios and I believed that the horrors of anarchy were imminent there, with inevitable damage to our governments, unless a prudent resolution was adopted, which might combine justice with expedience.

It was agreed that Señor Leiva should inaugurate a provisional government upon his native soil, and that if the majority of the people accepted him he might rely upon the protection of the allied military forces in the theater of events.

But as a step previous to this, and wishing to avoid any collision whatever, General Barrios and I addressed Señor Arias privately and together, representing to him the peremptory necessity of resigning his power to some conspicuous citizen, in order to put an end to the difficulties which embarrassed the free and peaceful expressions of the Hondurians in the legal organization of their government.

That cordial and dispassionate appeal which we made in the name of the liberal ideas and of the equilibrarians of Central America, failing, it was necessary to put at work the last resolution, dictated by necessity and patriotism, and it has answered perfectly our designs and hopes.

In every part of Honduras the new government has been spontaneously applauded. The humblest as well as the most influential classes of society, without intrigue, without pressure or threat of any kind, have recognized and saluted the genuine representative of the popular sentiment.

The patriot, who carries in one hand the olive of peace through every part, and in the other the emblem of justice, makes authority lawful without impairing the right.

It is a principle generally taken for granted by public writers, that when two governments figure in one country, established as if they were independent states, the rest of the nations have the right to recognize that which they judge to be the most legal, and which most suits their convenience.

In the case in question Salvador and Guatemala have seen in the revolutionary government of Señor Leiva the expressive symbol of the sovereignty of Honduras; they have practiced well their right in recognizing it; have fulfilled a high duty to brotherhood and civilization, by giving spirit to the people, to their true allies, so that they might recover their lost liberty and repair their great damages.

All of the circumstances which I have imprinted on the memory make stronger the reasons which I have had for cutting off certain abstract formulas relating to the question of Honduras. In it is secured the existence of my government and the fate of the principles which it has proclaimed, and I do not regard politics as a poetical fiction, but as a calculation and a foresight, which ought to be directed to obtain the good of the greater number.

For this reason I have accepted with firmness a grave responsibility in the present

circumstances. For this reason when a subaltern of Señor Arias seized in Amapala a Salvadorian vessel, and the reactionary currents reached even from the Gulf of Nicoya to that of Fonseca, I did not fear to take that port by main force, in concurrence with the popular government of Señor Lieva, and as an indispensable means of safety, so as to see quickly the solution of the problem which has happily terminated in Comayagua.

With the hope that all of these complications might have for an end a near triumph of right, I have wished to keep a complete reserve until the present; then I feared an unpremeditated revelation on my part might compromise the end that we proposed to pursue peacefully with the friendly and allied government of Guatemala, whose troops have labored in perfect concord with those of Salvador, the chiefs who commanded each having decisive orders not to fire a rifle until after exhausting the last efforts of conciliation.

Fellow-citizens: I have not encountered the passionate judgments and the inconsiderate censures which have been emitted to vilify my intentions, to acquire a most miserable conquest, a hand-breadth of the land of a sister people, whose misfortunes I lament with religious respect.

I have not turned the arms of Salvador against the dictatorial government of Señor Arias on account of hatred of his person, or because I was inspired by rivalry, fears, and distrust. No! I esteem him according to his merits, and solely for political considerations of great magnitude have I been able to put myself in the extremity whither my fervent desire to see guaranteed the future happiness of these people has carried me.

In that grave affair, as in my home administration, I have had to employ laws of action—proceedings determined by the time and by the circumstances, in order to save the permanent interests confided to my keeping.

General Jackson saved the independence of the American Union, suspending temporarily some of the individual guarantees of the North American people. There, where liberty has an altar in the heart of each man, Lincoln saved the Union of that great people, saved their wise Constitution, and was the redeemer of five millions of men, suspending the privilege of habeas corpus and silencing periodical publications.

In imitation of these great apostles of right, and perhaps with more necessity than they, we have republican rulers here who dictate measures, for the time repressive, in order to save society from the hell of anarchy, or from the limbo of despotism.

I believe that peace will continue, quickly and definitely secured, and that the democratic institutions which I have sworn to plant and defend will open in the future a beautiful and peaceful field to all the sons of Salvador, and to all who wish to come to her hospitable shores.

With this flattering hope I believe it will be easy for me to descend from the high position where I am to-day, and leaving re-established the fruitful principle of alternation of citizens in power and the example of the fealty of a ruler who submits, without reserve, all of his actions to the sovereign judgment of public opinion.

Such are, fellow-citizens, the convictions, the sentiments, and the aims of him who submits himself to your judgment, and to that of history, and who has the honor to call himself your faithful friend and servant.

L. GONZALEZ.

SAN SALVADOR, *January 26, 1874.*

No. 103.

Mr. Williamson to Mr. Fish.

No. 136.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, April 14, 1874. (Received May 18.)

SIR: I have the honor to inclose you, for your information, the original and translated copy of an extract from the report of the secretary of foreign affairs of Salvador to the Constituent Assembly.

The extract is taken from the "Boletin Oficial," March 31.

You will observe the government of Salvador seems to attach importance to the exercise of my good offices, in December last, in behalf of peace in Central America.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure.]

(Extract from the report of the minister of foreign affairs of Salvador.)

[Translated from the "Boletin Oficial" of March 31.]

SAN SALVADOR, January 31, 1874.

The President of Costa Rica, no doubt wrongly informed, was manifesting somewhat, in the various acts of his policy, overt hostility toward Salvador as well as toward the other Central American states. For this reason the treaty of triple alliance between Salvador, Guatemala, and Nicaragua was negotiated, at Managua, about the close of last August.

Afterward, the condemnation by the cabinet of Costa Rica of this alliance, that the constitutional assembly of the preceding year had examined and approved, increased to the greatest excess, but Salvador, on her part, did not wish them to memorialize her arguments or official remonstrances, for she considered that once this having been commenced she could not remain in *statu quo* without injury to her national dignity, and would very probably arrive at the brink of a disastrous war, which ought always, as a terrible calamity, to be reserved for the last resort, from which there is positively no escape.

The President of Salvador believed that, with the lapse of a little time, the progress of events would show the folly of a fratricidal war, and of discord, between provinces that ought continually to become more closely united and identified. So it proved in the end. The President of Costa Rica abandoned that hostile policy, and has turned his thoughts to the consideration of the ideas of peace and concord that have been proposed to the Presidents of Central America through the honorable mediation of the American minister.

This honorable diplomat, without compromising his official character, has prepared, in connection with the President of Costa Rica and the British chargé d'affaires, a memorandum in which was embraced and adopted a meeting of the five Central American Presidents, in a place to be selected, to treat of a general peace. This plan has been unanimously approved, and has only been delayed to select the time and place for accomplishing it. It is probable that from this meeting will follow not only the establishment of a lasting peace, but a basis for Central American organization.

No. 104.

Mr. Williamson to Mr. Fish.

No. 139.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, April 25, 1874. (Received May 25.)

SIR: I have the honor to inform you a terrible outrage was perpetrated yesterday by the commandant of San José de Guatemala upon the person of Mr. John Magee, Her Britannic Majesty's vice-consul at that place. He had Mr. Magee very severely flogged, inflicting on him, it is reported, over two hundred lashes.

The government here denounced the outrage as a disgrace to Guatemala.

The minister of war called upon me this morning to say that no effort would be left untried to arrest and punish the offender, and also that ample reparation would be made to the British government and the injured gentleman.

The British minister is absent on leave, but his chargé d'affaires is acting with promptitude and ability.

The perpetrator of the outrage, I am informed, is a renegade Spaniard from Cuba.

When I receive all of the facts I will communicate more fully.

* * * * *

I have, &c.,

GEO. WILLIAMSON.

No. 105.

Mr. Williamson to Mr. Fish.

[Extract.]

No. 146 bis.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, May 4, 1874. (Received June 8.)

SIR: I have now the honor to lay before you a full statement in regard to the outrage committed upon the British vice-consul, Mr. John Magee, at San José, by the commandante of that port, on the 24th ultimo, and of which I advised you in my No. 139, dated the 25th ultimo.

I also inclose you with this dispatch copies of all the papers that have come into my possession concerning it. Among them you will notice particularly the statement of Mr. Edwin James, consular agent at San José, No. 8, which I have reason to believe, although defective by the omission of some details, is substantially correct.

I hope his conduct in using every exertion to prevent the infliction of a barbarous outrage upon an innocent official of a friendly power, and to preserve the life of a fellow-creature, will meet your approbation. He evidently ran great personal risk in throwing any obstacle in the way of such a madman as the commandante of San José seems to have been. Your attention is respectfully called to inclosure No. 7, in which the victim, Mr. John Magee, officially acknowledges his indebtedness to Mr. James for saving his life.

Among the inclosures you will find several telegrams from this legation. The one marked No. 1 was sent at the urgent solicitation of President Barrios, whose prime minister called on me about 8 o'clock on the morning of the 25th, and stated that the conduct of Gonzalez was a disgrace to Guatemala; that his government was extremely anxious to make every reparation in its power to the British government, not only by trial and punishment of the commandante, but in other satisfactory ways.

He also said that General Solares had arrived, or would arrive, at San José within a very short time, and that the commandante was a deserter from the army and a fugitive on board of an American ship lying at the port of San José. He urged me to order the delivery of Gonzalez to General Solares. I replied that I had no right to order his delivery, but would request it, which I thought would be quite as effectual, as the ship was lying in Guatemalan waters.

The telegram was then written and presented to him to read. He said it was perfectly satisfactory, and that he would take it himself to the telegraph-office to have it dispatched forthwith.

Gonzalez had already been shot, it seems, before my telegram was written. At all events, Mr. James and the agent of the ship tell me it was not received on board. At the time of the prime minister's visit, he seemed to be as ignorant as I really was of the fact that Mr. James had taken the commandante on the ship. Had I known that Mr. James had agreed to take the commandante on board of the ship, under the protection of the American flag, (although his only warrant in so using the flag was a generous impulse to save Mr. Magee's life, by placing his persecutor and intended murderer in safety,) I should not have thought of making a request that implied a disposition to violate the agreement.

The statement made in the telegram, that Mr. Gonzalez "has committed a grave outrage upon the persons of American citizens" was based upon the minister's declaration to me. He said the commandante, in his fit of madness, had struck in the face an officer of an American

ship, and afterward imprisoned him for an hour or two; furthermore, that he had grossly insulted the consular agent at San José.

To this declaration I simply replied my countrymen would probably receive ample redress after their case was duly investigated. The oral and verbal report of the consular agent shows the minister was mistaken.

About 11 o'clock on the 25th the prime minister, Mr. Samayoa, again called upon me, and stated that Commandante Gonzalez had been mortally wounded while attempting to go on board the Pacific mail steamship Arizona, by a Colombian, resident in Guatemala, named Don Pedro Vazquez, and that his government wished me to telegraph to the captain of the ship to deliver that gentleman to the military authority at San José, General Solares. I declined either to order or request his delivery, but stated I would telegraph to the consular agent for full particulars, and after getting his report, would decide whether to make a request. He said that would be entirely satisfactory to his government.

The ship sailed, as you will see by inclosure No. 5, before my telegram was received.

The commandante, Gonzalez, was not mortally wounded, as was supposed. He is now in this city in the hospital, and is said to be recovering. His alleged aiders and abettors, a Mr. Bulnes, Viteré, and Corso, all officials at San José, are now here in prison.

Mr. John Magee, the vice-consul, is also in this city, and, though confined to his bed, is "doing well."

The outrage gave rise to quite an active correspondence between the British chargé d'affaires, Mr. Henry Scholfield, and the government, which resulted, on the 1st instant, in the protocol No. 10 which accompanies this dispatch.*

The minister of foreign affairs and the prime minister, Mr. Samayoa, express much satisfaction with the result, and seem to feel a decided assurance that the British government will not claim any indemnity or demand any further satisfaction than that which is agreed upon in the protocol.

They called to see me, and in an interview invited my opinion.

I had none to express, except that, in my judgment, they might well congratulate themselves on their diplomatic tact in the management of the affair.

Mr. Scholfield also frequently called upon me, and explained his proceedings, which, assuming he had the authority, met my approbation up to the time of the protocol and his letter No. 11.

In the unreserved confidence of official correspondence, I beg leave to say again, assuming he had authority to arrange so important an international question without definite instructions from the foreign office, that he has been somewhat behind the Guatemalan officials in his diplomacy. It is true, Mr. Magee's rather singular renunciation in advance of any claim to indemnity presented a serious and perplexing embarrassment. It is equally true the promptness of the government in arresting the guilty parties, as well as its elaborate professions of a determination to make every reparation in its power for the outrage, made it more delicate to deal with the question. I might have done much worse.

It is probable the parties charged with the outrage will be held in prison until a favorable answer is received from the British government.

After that their friends will probably find no serious obstacle in the

* See inclosure 2 in No. 153.

way of their escape from the punishment of the laws. Justice has not become a blind goddess in Central America yet.

Although in this entire transaction American influence has not been impaired, I cannot but share in some degree the apprehension generally expressed by foreigners in regard to its effect upon the conduct of officials of the government toward them in departments under *jefe politico* who are distant from the capital. All of them express the opinion that no punishment will be inflicted on the offenders. If, they say, a vice-consul of one of the most powerful nations can be whipped by a commandante of a little post of thirty-five soldiers, right under the eye of the government, and connected with the capital by telegraph, what must be expected in distant departments, where it takes weeks to communicate. If, they say, such an official as Gonzalez is a type, (and they allege he is,) what guarantee have foreigners that they will not be dealt with both unjustly and cruelly throughout the state, in all instances in which a drunken or crazy *jefe politico* chooses to take offense and apply the lash.

They talk indiscreetly of President Barrios having set the example to his officials by using the whip as a punishment upon some of the best families in the country, whose only crime was that they differed from him in political opinion.

There is no doubt that foreigners are apprehensive of unpleasant consequences if the British government ratifies the agreement of the protocol and the criminals go unpunished, as they say they expect.

The feeling against the government at present is by no means favorable, and the reactionary or conservative party enjoys its sneers in pointing to the outrage as an evidence of the "liberalism" and humanity of a government which met the approval of foreigners as long as the whipping was confined to the old families of Guatemala. It must be confessed there is some justice in the sneer.

Such an outrage, in my opinion, could scarcely have occurred in any other Central American state.

Mr. Magee might have been shot in other states, but not flogged.

* * * * *

I lay the facts and suggestions before you for your consideration, and beg leave to add that, in my judgment, it would be well for the Secretary of the Navy to consider the propriety of ordering the commanders of our men-of-war in the Pacific to call at Central American ports as often as the interests of the public service will allow, whenever they are passing up or down from San Francisco. Such an order might prevent much trouble.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure 1 in No. 146 bis.—Telegram.]

Mr. Williamson to the captain commanding any of the Pacific mail-steamers off or near the port of San José de Guatemala, or to the commanders of any American vessels at or near said port.

UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, April 25, 1874—8½ a. m.

The President of Guatemala wishes you to deliver on shore the person of Don José Maria Gonzalez, who has committed a grave outrage upon the persons of American citizens and British subjects. I second his wish, and request you to do so at once.

No one can claim an asylum from our country who has violated the laws of civilized life to the extent Mr. Gonzalez has done.

I am, &c.,

GEO. WILLIAMSON.

[Inclosure 2 in No. 146 bis.—Telegram.]

Mr. Moncrieff to Mr. Williamson.

SAN JOSÉ April 25, 1874. (Received at Guatemala April 25, 10½ a. m.)

Detention of ship very detrimental. Large number of passengers. If no answer within twenty-four hours, will consider myself at liberty to sail.

A. D. MONCRIEFF,
Agent Pacific Mail Steamship Company.

[Inclosure 3 in No. 146 bis.—Telegram.]

Mr. Williamson to Mr. Moncrieff, agent Pacific Mail Steamship Company.

UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, April 25, 1874—11 a. m.

SIR: Your telegram just received. I know of no cause for detention of ship if Mr. José Maria Gonzalez is not on board. Should he be on board, I think his conduct has so placed him in outlawry, that he ought to be delivered up for trial according to the laws of Guatemala.

If it is considered necessary, I will immediately leave for San José.

I am, &c.,

GEO. WILLIAMSON.

[Inclosure 4 in No. 146 bis.—Telegram.]

Mr. Williamson to Mr. James.

UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, April 25, 1874—11 a. m.

SIR: Go on the steamer Arizona, and take the declaration of the captain, officers, and passengers in regard to the shooting of Don José Maria Gonzalez, commandante of said port, and telegraph substance of declaration without delay.

Answer at once. Communicate facts in your knowledge without waiting for declaration, but be sure to send declarations.

I am, &c.,

GEO. WILLIAMSON.

[Inclosure 5 in No. 146 bis.—Telegram.]

Mr. James to Mr. Williamson.

SAN JOSÉ, April 25, 1874. (Received in Guatemala 2 p. m.)

SIR: The Arizona has sailed. I was present and saw everything. The captain used every exertion to prevent the shooting, but some of the passengers fired pistols and mortally wounded Commandante Gonzalez. I used every exertion to prevent the outrage on Mr. Magee. Will send details by mail.

E. JAMES.

[Inclosure 6 in No. 146 bis.—Telegram.]

Mr. Moncrieff to Mr. Williamson.

SAN JOSÉ, April 25. (Received in Guatemala 2 p. m.)

SIR: The Arizona has sailed. Mr. James has shown great tact and energy, and there will be no necessity for your presence here.

A. D. MONCRIEFF,
Agent Pacific Mail Steamship Company.

[Inclosure 7 in No. 146 bis.]

Mr. Magee to Mr. James.

SAN JOSÉ, April 26, 1874.

DEAR SIR: It is with most heartfelt thanks that I address you these lines, to thank you for the action you took in my behalf in my late trouble with Commandante Gonzalez.

On board the steamer Arizona I heard it rumored that you had not exerted yourself as fully as you might have done, but in the critical position in which I was placed the prudence with which you acted, at the same time that you really jeopardized your own liberty, does you great credit.

Had you acted precipitately, as many of the too-justly indignant passengers on the Arizona were desirous that you should have acted, you would have signed my death-warrant.

The protest you entered was stamped under foot by the commandante, an act of outlawry which proved the man's madness, and made it presumptuous to consider that anything could be gained by asserting the respect due to a foreign power.

Again I have to repeat that I am indebted to your prudence, as well as to your constant and untiring efforts, for my life; a debt of gratitude which I shall never forget.

Believe me, &c.,

J. MAGEE.

Her Britannic Majesty's Vice-Consul.

[Inclosure 8 in No. 146 bis.]

Mr. James to Mr. Houben.

SAN JOSÉ, April 26, 1874.

SIR: On the arrival of the steamship Arizona at the port, on the morning of the 24th, the chief officer of the ship came ashore to see Mr. Magee about discharging his ship.

On his return to the steamer he was met by the comandante on the head of the pier, who told him he would not permit him to embark. The officer reported the case to me. I at once went to the comandante, and told him he must not interfere with American sailors passing to and from their ships; so he let him off. An hour after I received a message that Mr. Magee and Mr. Moncrieff were prisoners, and in prison, by order of the commandante. I went to the commandante to inquire what he had arrested them for. His reply was he would release Mr. Moncrieff, but he would give Mr. Magee five hundred lashes to-day, and to-morrow he would shoot him. His reasons: he had sent for Magee to come to his house; Magee, having a sore foot, sent back word he could not come. The commandante then sent word to Magee to state his reasons for not coming in writing.

Magee's written reasons were he had a sore foot, and, besides, his position as British vice-consul exempted him from appearing.

The commandante then sent a guard of soldiers to bring him; and if he would not come, to arrest him or shoot him.

The soldiers went to the house of Magee and took him prisoner. Before leaving his house Magee put a pistol in his pocket. On appearing before the commandante (who met him going up stairs) he asked him why he had brought that pistol with him. Mr. Magee replied: "Knowing you to be a very violent man, I carry this pistol to defend myself." The commandante then struck Magee several times in the face, and told him to-day he would give him five hundred lashes and to-morrow he would shoot him. This was about 12 o'clock, (noon.)

I did not think the commandante would dare to carry out his threats; but I was very much mistaken, for at 4 o'clock p. m. the soldiers were formed, the bugles sounded, and Magee was brought up to be lashed.

I at once went to my office and wrote a protest, in the name of the United States, against such a disgraceful outrage against humanity, civilization, and all law, human and divine; but he would not receive my protest or listen to me in any way. I was rudely put down stairs by the soldiers, and he carried out his shameful and infamous outrage on the person of a representative of a civilized and Christian nation. I tried to telegraph you several times during the day, but the commandante had seized the telegraph, and would permit no communication on that day, so I acted on my own judgment, and am responsible for all of my actions, and will accept any result they may entail; and if my conduct has exceeded my official duty, I can only say I will be satisfied with any action you may conceive it your duty to take in reference to the whole course of this disgraceful affair.

My conduct will never bring a blush to the cheek of an American.

During the whole course of the day I could not get an opportunity to tell the commandante of the dreadful result of his conduct.

This day, all day, he was blind and stupid with drink and revenge. But something must be done. Magee has received two hundred and ten lashes. The first part of the threat has been carried out; and the second was, that to-morrow morning Magee must die. Nearly every foreigner had fled the port. I determined to save his life, whether it was my official duty or not, whether I saved my own life or not.

I waited till morning; got up very early, that I might see the commandante before he had taken any drink. About 7 a. m. I saw the commandante bringing Magee out. He formed the soldiers, and was ready to flog Magee again. I immediately went up to him and told him not to attempt to go any farther with this infamous outrage. He said he was going to give Magee more lashes and then shoot him. I told him it would ruin him and bring misfortune on his country—perhaps ruin. He listened to me and began to think and understand his situation. He said, "I am ruined any way; and before the event I will kill Magee." He then says, "I will flee the country; and if Magee will give me money I will go aboard the steamer, if you will put me safely there."

Magee at once said, I will give you all the money you want.

I pledged him the protection of the American flag. At this time the captain of the Arizona (Captain Morse) sent me word he was going to leave. I wrote him a note imploring him to delay an hour longer. I had the money in my pocket, and the commandante was ready to go. He bid Magee "good-bye," and told him he was free. I walked down the pier with him, and we got into the boat together and pushed away. I had now succeeded in saving Magee's life, and now risked my own, for when the boat had arrived at the steps of the steamer's ladder, I got out first, the commandante following me, with one foot on the steps and the other still on the boat, when the passengers, armed with pistols, opened fire on the commandante, after I had promised him the protection of our flag. It was on this condition he had agreed to spare Magee.

He received two mortal wounds, stepped back into the boat and went to the shore. He now lies in a dying condition.

I regret this last outrage. In justice to Captain Morse, I must say he did all that he could to prevent it.

I am, &c.,

EDWIN JAMES.

[Inclosure 9 in No. 146 bis.]

Captain Morse to Mr. Williamson.

PACIFIC MAIL STEAMSHIP ARIZONA, April 25, 1874.

SIR: I have the honor to advise your excellency that, owing to the large number of passengers, limited amount of coal, and scarcity of commissary stores, I have found it necessary to resume my voyage.

As Mr. Magee, for whose preservation I apprehend I am detained, is now safe, the cause of his danger having been removed, there seems now to be no urgent necessity for my remaining longer to the injury not only of the Pacific Mail Steamship Company, but to each of my many passengers, as I am in no way responsible for the rash act of an unseen hand which will probably prove fatal to the commandante of the port, and no amount of precaution could have prevented it.

I had placed guards at every available point about the vessel with the view to guard against any such contingency.

Under these circumstances I feel confident that you will approve of my immediate departure, inasmuch as Mr. Magee dispatches the ship himself.

I am, your excellency's obedient servant,

A. G. MORSE.

No. 106.

Mr. Williamson to Mr. Fish.

No. 153.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, May 15, 1874. (Received June 18.)

SIR: I have the honor to inclose you two copies of a small pamphlet issued by the government of Guatemala, embodying the correspondence

with the British chargé d'affaires in regard to the outrage upon Mr. John Magee, the British vice-consul at San José, of which I gave you a full account in my No. 146 *bis*.

As it might be inferred, from the statement made in the last paragraph of page 5, that I might be somewhat responsible for the wounding of Commandante Gonzalez when he attempted to go on board the Arizona, I send you the original of my telegram, which has been returned to me by Mr. A. D. Moncrieff, agent of Pacific Mail Steamship Company at San José, as undelivered, and also original of his letter inclosing it to me.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure 1 in No. 153.—Translation.]

Señor Soto to Mr. Scholfield.

MINISTRY OF FOREIGN RELATIONS,
Guatemala, April 25, 1874.

SIR: Yesterday, at 2 o'clock in the afternoon, you were pleased to call upon me at the ministry of foreign relations for the purpose of laying before me a telegram which you had just received, and in which it was stated that Mr. John Magee, vice-consul of Her Britannic Majesty, had been arrested by order of the commandante of the port of San José, a Spaniard in the service of the government, José Gonzalez by name.

I took you at once before the president of the republic, who, after having heard your statement, instructed the minister of war to direct General Gregorio Solares, who was at Escuintla, to repair at once to San José and set Mr. Magee at liberty, ordering Commandante Gonzalez, at the same time, to appear before the government and give an account of his conduct, and, in case of his having cut the telegraph-line, to bring him, securely guarded, to this capital.

This order was given to General Solares, because the inspector of telegraphs reported that the telegraph-line to the port of San José was not working, for the reason, as was suspected, that the office had been closed by Commandante Gonzalez himself.

If the telegraph had been in working order as far as the port, the order for the release of Mr. Magee would have been sent directly.

At about half past five in the afternoon the telegraph was again in working order, and the news was then received that Commandante Gonzalez had ordered Mr. John Magee, vice-consul of Her Britannic Majesty, to be flogged.

As soon as the government was informed of this outrage, it ordered, as you are aware, the political chief of Escuintla to go, with the garrison of that place, to the port of San José, to the end that General Solares might be the better enabled to arrest the delinquents and other persons implicated in so criminal an act. Moreover, to prevent the guilty parties from escaping, strict orders were given to the frontier authorities of Salvador and Mexico, in order that the crime to which I refer might in no case remain unpunished.

Later in the evening the President, not being content with the prompt measures already taken, went to the telegraph-office, accompanied by the minister of war, where he remained until after midnight, dictating orders that the life of Vice-Consul Magee should be saved by all means, since the distance did not permit him to act more efficiently.

The measures adopted resulted in protecting Mr. Magee from further outrages and in saving his life, which was in imminent danger from the rage of the Spaniard Gonzalez, who, on the arrival of General Solares, put off in a boat to the North American steamer Arizona, intending to seek refuge on board of that vessel.

The government, on learning this, requested the minister of the United States to order the commander of said steamer by no means to allow the fugitive Gonzalez to take refuge on board. The minister gave the order, as requested, and not only was admission on board of the steamer denied Gonzalez, but, as is known, he received a shot from the vessel, the particulars of which circumstance have not yet been received by the government. This occurrence caused Gonzalez to return to land, where he was at once captured by General Solares, together with the persons who appear to have been his accomplices.

The unjustifiable act to which I have been referring renders it incumbent upon me to address you, before any complaint is made, assuring you that this irregular and culpable proceeding has filled my government with great pain and indignation, and that,

fully realizing the gravity of the occurrence, my government, as soon as informed thereof, acted with all the energy and zeal demanded by the friendly relations which have existed and do exist between the governments of Her Britannic Majesty and that of Guatemala. You have been a witness of the earnest solicitude of my government and of the manner in which it has deplored the outrage done to the consular agent of Her Britannic Majesty.

My government, sir, which sincerely desires to cultivate the most friendly relations with foreign powers, and especially with Great Britain, is ready, in view of this unfortunate occurrence, to give a further proof of this desire, and also of its determination that no foreigner coming to this republic shall be injured either in person or property, but that, on the contrary, all shall enjoy the hospitality of this country, with all the guarantees and securities that are furnished by the most civilized nations of the world. You may rest assured that the parties who have been guilty of the criminal act in question will be punished to the full extent of the law; also, that my government will give the fullest satisfaction to that of Her Britannic Majesty, and that it will make due reparation when the investigation which it has ordered shall be closed.

I have the honor to reiterate to you, sir, the assurances of my high consideration, and to subscribe myself,

Your obedient servant,

MARCO A. SOTO.

Mr. HENRY SCHOLFIELD,

Chargé d'Affaires of Her Britannic Majesty in Central America.

[Inclosure 2 in No. 153—Translation.]

Protocol of the conference held at the ministry of foreign relations of Guatemala, at 1 o'clock in the afternoon, May 1, 1874, between the licentiate Don Marco A. Soto, minister of foreign relations of said republic, and Mr. Henry Scholfield, chargé d'affaires ad interim of Her Britannic Majesty, for the purpose of determining the satisfaction which is to be given by Guatemala to the English government, in view of the outrage done in the port of San José to Mr. John Magee, British vice-consul, by Commandante José Gonzalez, a Spaniard in the service of the republic.

1st. The aforesaid chargé d'affaires stated that being convinced of the desire of the government of Guatemala to settle this matter in a manner satisfactory to both governments, as declared in the letter of this ministry of the 25th of April last, in which he was informed that the parties guilty of the criminal act in question should be punished to the full extent of the law; that this government, moreover, would give the fullest satisfaction to that of Her Britannic Majesty, and would make due reparation when the investigation ordered by it should be finished; the chargé d'affaires, being convinced of this, said that, since the initiatory steps had already been taken, he desired that the final settlement of this matter should be explicitly agreed upon. The minister of foreign relations stated that his government, in accordance with what it had promised to Her Britannic Majesty's chargé d'affaires, had already ordered, through the supreme court of justice, the offenders to be arraigned before the ordinary courts for trial and punishment, according to the laws of the country, since the outrage had been committed in the territory of the republic, the government of Guatemala thinking that by this step the best satisfaction would be given that it could offer that of Her Britannic Majesty, in accordance with the practice of civilized nations. Mr. Scholfield declared himself satisfied with this action on the part of the government.

2d. In testimony of the desire of the government of Guatemala to preserve the most friendly relations with that of Her Britannic Majesty, and as a proof of the deep pain with which it has seen the outrage which has been done to Vice-Consul Magee, the government will order a salute of twenty-one guns to the British flag to be fired in the port of San José on such day as may be agreed upon with Her Britannic Majesty's chargé d'affaires.

3d. Her Britannic Majesty's chargé d'affaires also asked an indemnity for the outrage done to Vice-Consul Magee by Commandant Gonzalez. The minister of foreign relations stated that the government of Guatemala did not consider itself under obligations to pay such indemnity: first, because Mr. Magee, as was known to the chargé d'affaires, had officially declared that he did not wish his government to make any claim, and that he himself would make none; second, because the government of Guatemala did not think the case to be one demanding indemnity according to the general principles of justice and the special circumstances of the act giving rise to this claim.

The government of Guatemala declares, however, that if that of Her Britannic Majesty, when it shall have full knowledge of the affair, of the conduct of the government of Guatemala in the matter, and of the manner in which it has deplored this occurrence, shall think proper to ask for indemnity, and shall insist upon it, notwithstanding the

desire to the contrary expressed by Mr. Magee, then the government of Guatemala will enter into negotiations with that of Her Britannic Majesty for the settlement of that point.

4th. It was finally agreed that the subject of this protocol should be settled in these terms, and that the government of Her Britannic Majesty should make no claim on this ground in future, save such as might arise from the 3d point, on indemnification.

In testimony whereof, the present protocol was signed and sealed in duplicate by the licentiate Don Marco A. Soto, minister of foreign relations, and Mr. Henry Scholfield, chargé d'affaires of Her Britannic Majesty, both pledging themselves to fulfill the stipulations made by their respective governments, at Guatemala, May first, one thousand eight hundred and seventy-four.

MARCO A. SOTO,
Minister of Foreign Relations of Guatemala.
HENRY SCHOLFIELD,
Chargé d'Affaires of H. B. M.

[Inclosure 3 in No. 153.]

Mr. Scholfield to Señor Soto.

BRITISH LEGATION,
Guatemala, April 30, 1874.

SIR: Last Sunday, when I had the honor and pleasure of visiting your excellency, you were kind enough to indicate to me that it would be advisable to put in writing the exact nature of the satisfaction for the outrage on Vice-Consul Magee that would be accepted by Her Britannic Majesty's government.

With the view therefore of setting at rest this affair, the importance of which cannot be exaggerated, I have the honor of requesting an interview, at the hour that may be most convenient to you, so that we may agree upon a memorandum on the subject that shall be binding on our respective governments.

I avail myself of this opportunity to repeat to your excellency the assurance of my most cordial friendship.

HENRY SCHOLFIELD.

His Excellency DON MARCO A. SOTO,
Minister for Foreign Affairs.

[Inclosure 4 in No. 153.]

Mr. Scholfield to Señor Soto.

GUATEMALA, May 2, 1874.

SIR: I have the honor to acknowledge the receipt of your excellency's dispatch of April 25, informing me of the outrage on Vice-Consul Magee at San José, and of the steps taken by the government of the republic in connection therewith.

I cheerfully bear witness to the horror and indignation with which, not only all the members of your government, but all classes of society in Guatemala have reprobated this deplorable event; and I have seen with the greatest satisfaction the energy and good feeling that were displayed by the President and all the ministers, who by their thoughtfulness and promptitude have avoided what, at one time, threatened to become a catastrophe for the republic.

The frank and loyal explanations and apologies, so spontaneously tendered to my government, reflect the utmost honor on this administration, who have thus proved that they sincerely desire to protect with equal rights the native and the foreigner.

In congratulating myself on the settlement of this matter, I have to thank your excellency for the conciliatory and friendly manner in which the negotiations have been conducted.

I avail myself of this opportunity to repeat to your excellency the assurance of my most distinguished consideration.

HENRY SCHOLFIELD.

His Excellency DON MARCO A. SOTO,
Minister for Foreign Affairs.

No. 107.

Mr. Williamson to Mr. Fish.

No. 159.] UNITED STATES LEGATION IN CENTRAL AMERICA,
 May 23, 1874. (Received June 18.)

SIR: I have the honor to inclose you translated copies of the message of President Guardia, of Costa Rica, dated the 1st May, and of the answer of the Constituent Assembly, dated May 12.

I have made marginal marks on pages 3, 4, 6, 8, 9, 13, 14, and 17 of the former, to which your attention is respectfully invited.

His frank acknowledgment of the serious opposition his government encounters, is so unusual in public documents in this quarter, that it excites my admiration, while it convinces me the disaffection is more wide spread than I ventured to state in my No. 124.

His statement in regard to the resources of the country enabling the government to carry on the work of the railroad to Port Limon, and, at the same time, to pay its expenses and meet obligations, is so grave a mistake, one might well be surprised if he were a stranger. I believe it is a matter of public notoriety that the last four installments on Costa Rica bonds, issued and negotiated for railroad purposes, have not been provided for. It is so published in the newspapers, and I understand the English agent here says such is the fact.

I still have some hope the railroad may be completed from Alajuela (a place in the interior, where it now begins) to Port Limon; but if it is true, as asserted, that the British bondholders have declared their determination to take no more bonds of Costa Rica as long as President Guardia remains in power, that hoped-for event may be delayed several years. To our country the completion of that line would tend far more to advance its commercial interests than of the road now finished from ocean to ocean.

There is but little doubt the telegraph line from Punta Arenas to Port Limon will be finished before many months elapse unless a revolution occurs.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure 1 in No. 159.—Translation.]

Message of the President of the republic of Costa Rica to the National Congress, May 1, 1874

Honorable representatives of the people: The opening of your session is very pleasing to me, as it to-day complies with the rule prescribed in the constitution of the republic.

Some of you already have experience in those affairs that during past years have been the object of the conscientious consideration of the national representation. Others have been called recently by the vote of the people to the honored position in which the free suffrages of their constituents have placed them.

You, together, form the sovereignty, and I do not doubt that, penetrated by the great importance of your mission, you will all be able to provide for the necessities of your country.

Placed in a position superior to my merits, but not to my sincerity, self-denial, and patriotism, which I have shown so often, that I justly believe you can appreciate these, so I will immediately submit to your distinguished consideration the principal affairs of the administration.

Costa Rica is at peace, and no accident disturbs the pleasant relations that exist with foreign nations, with which she is connected by treaties of amity and commerce.

The proper secretary will give you an account of what has been agreed upon with

His Majesty the King of Italy. From want of time, I was unable to present it for your consideration during the last session.

The same secretary will give you an account of the treaty of boundary, celebrated between this republic and that of the United States of Colombia, and also of additional conventions.

Respecting the republics of Central America, sisters of Costa Rica, the government could encourage no sentiment that would not tend to the preservation and increase of those good relations that ought to bind together the people who formed for a long period one nation.

Although there have been moments in which evil tidings, arising from various sudden changes of the functions of these countries, caused a rupture to appear imminent, prevented by the indestructible bonds, and community of interest, my heart's sentiments, adhering closely to sister nationalities, strengthen with my constant faith in the fraternity, not only of Central America, but of all republics that have the same origin.

Always solicitous for the accomplishment of so grand an idea, I will not lose an opportunity of proving, with deeds, the sentiments I have just now uttered, even if any sacrifice on my part will serve to contribute towards fixing a firm basis for the future union of the countries, invoked to form one single nationality.

The interior tranquillity has remained unchanged, but I ought not to conceal that I have been compelled to repress different attempts to subvert public order.

I understand very well that no government will ever exist that has no opposition. I also believe it is useful when inspired by true patriotism, and has for a guide frankness, and for its sole aim the public welfare.

I have always been very far from condemning this unquestionable right, naturally belonging to every citizen of a free republic, of forming an opinion concerning that which belongs to all and is for all, and of making it known, even in the seat of the government. The authorized word of the patriot, whatever it may be, is always respectable, for it is inspired by the rectitude of justice and by the goodness of intention.

Nothing has been more pleasing than any inspiration of this kind. I have always been disposed to listen to every one, understanding how difficult is the task of governing, and how much the assistance of other minds can contribute to the general welfare that bring disinterested assistance for transacting business.

But although such are my convictions, and cherishing the veneration that I profess for individual liberty, that which I have found in the path I have trod are thorns, that at times have wounded my heart, but they have not turned aside my steps nor confused the conscience of the ruler, since those repressive measures that I have seen the necessity of taking have had entire respect to the supreme duty of preserving public order, a duty that the constitution gives to the executive power.

But these affairs, señores representatives, of which each respective secretary will give you an account, bear the seal of that mildness which has characterized the acts of my administration.

You know that I have begun with good faith a programme of the redemption of this country honorable and laborious, worthy of every sacrifice on the part of the ruler who directs the business; you know that I have broken entirely with old habits that more than the welfare of the nation kept in view the importance of customs, perhaps worthy, but of little moment in comparison with general interest; you know that I have undertaken a great work that has begun to spread civilization through the republic, a work that will interfere with private interests, as always happens with great and worthy enterprises, much more with those interests that affect the capital not only of the natives, but also of foreigners, so that for the prospect of their own advantage they do not hesitate to place obstacles in the way of that of a country that tries to use the advantages of its topographical position and the energy and virtue of its sons.

Add to this the false personal ambition, always awake and never sleeping; the spirit of evil lifting up its head, without considering that its sad triumph will ruin the happiness of the country, will destroy its credit abroad, and will impede the finishing of an affair of such vital importance that instead of arousing opposition demands the assistance of all the good sons of the country.

Desirous, however, that my personality might not be invoked as a pretext by the discontented, in November of the past year I resigned the command into the hands of the first vice-president to exercise the executive power, reserving my position in the army for reasons of well-known public convenience.

Disposed to sustain order in the interior, and to defend the national autonomy, I proclaimed with frankness to the face of the nation my sentiments and propositions.

Very soon the dissensions increased, the lack of concert in the administration was felt, and restlessness of spirit reigned.

I found it necessary for me to take again the reins of government, but resolved to retire after two days, having restored quiet. I called the second vice-president to the chair, and went to the frontier of the country between this republic and Nicaragua.

Señores Representatives, neither the moderation and respectability of the second vice-president, nor the measure that I had taken of departing from the center of the ad-

ministration could restrain the revolutionary attempts that compelled me again to occupy the presidential chair, and to take measures against the principal authors of these foolish projects, exhibited in open light and confessed to me myself, and against those who were attempting to corrupt some of the worthy chiefs of an army that had given me undoubted proofs of loyalty and adhesion.

I present to you the republic at peace and advancing in the path of progress.

The general prosperity is shown in all and every part.

The rural and city property maintain an increased value that can be only explained by the public wealth and general confidence.

The high price of coffee has compensated in part the failure in the crop, and it is hoped with great probability that the next will be more abundant. I notice only a few difficulties in commercial transactions, on account of the increase of importations, which has produced a sort of money-crisis.

The public instruction is the object of such care as a branch of such importance deserves, and in all the provinces works of utility and beauty are commenced.

The telegraph already connects the capital of the republic with the city of Liberia, and very soon it will be connected with Limon.

The grandest and most important enterprise that has been commenced since our independence until this time without doubt is the construction of the Railroad of the North.

The work already extends over a line of eighty miles, over fifty of which the locomotive runs. The interior traffic between the four principal provinces is carried on with regularity, and is daily increasing.

The inconveniences with which it had to contend have been great, the tropical character of the country, the national and foreign interests that opposed it, the political passions that, with a madness scarcely conceivable, have adopted as their flag opposition to the grandest of national enterprises, the crisis that has been felt in Europe and caused the bonds of all countries to depreciate, and especially those of the republics of Spanish America, and finally, obstacles of all kinds necessary to be undergone with a persevering faith never surpassed.

The government, that has taken no step backward in the path of progress, is far from being dismayed at the innumerable obstacles the construction of the railroad has encountered, concerning the condition of which that secretary will give you full information who has taken under his care the administration of these works, that they may continue without interruption; therefore the necessity has arisen for using economy in public expenses, and increasing the tax on aguardiente and tobacco.

It is very satisfactory to me to announce that the revenues continue increasing so much that they are sufficient to defray the expenses of the administration and to meet its contracts.

May the divine Providence continue to dispense upon Costa Rica the inestimable blessing of peace and interior tranquillity. Under its shade the immense resources of our young country begin to develop themselves as it advances with a firm step to take the position that belongs to it in Spanish America, approaching its beautiful future as it completes the iron road, that way of indefinite progress to the republic. To this end my constant care has been directed, and, in fact, my hopes have gone still further: I am taking steps looking not only to the completion of that line but also to a continuation of it to the Pacific. I have hopes of being able very soon to give you an account of this matter concluded in a manner to give satisfaction to the most exacting expectations; my idea is that the government should cease to be the controller of the work; that the finishing of it should be positively secured, and the republic should be freed from all debt through the means of reasonable concessions.

Believe me, Señores Representatives, I do not entertain any greater ambition than to assure to the republic the termination of a work in which is enshrined its future progress.

Having commenced it, prosecuted it until it has assumed its present condition, to be assured of its completion is the only reward I desire for those efforts that I have expended, of which present and future generations will derive the benefit.

Never have I believed that I possessed the necessary qualifications for filling the position in which the confidence of my country has placed me.

On the other hand, if, during four years, I have been able to acquire any experience in public affairs, this same lapse of time has weakened in turn my moral forces, by the troubles and deceptions inseparable to the exercise of power.

I notice, moreover, there is a social circle discontented with my administration, and while there is no complaint from the immense majority, for the first time I have seen the necessity of speaking to you of the attempts to overturn this government.

In truth, I have not feared that a revolution without a flag could triumph, but would be dissipated before the loyalty and discipline of the army, the good sense of the people, who would have nothing to gain from such a revolution; but permit me to say, with the frankness of a soldier, that this ingratitude has pierced my heart; that the task that I have undertaken demanded that all the men of any merit should afford me

assistance, because it tends to the good of the country, and that I have encountered opposition so strong as to become sedition, requiring the employment of measures contrary to my personal character,

Therefore I have determined to resign the command into your august bosom as soon as I can be assured of the completion of the railroad, and I hope this may be done before the close of the session.

The secretaries will respectively give you an account of all the affairs of the administration. There is still much to be done in behalf of this dear country, young in its political existence, but exuberant in its vitality and lavishly endowed by nature. The republic justly has much to expect from you, for you are chosen to accomplish a most exalted mission.

I have finished, honorable representatives.

May divine Providence enlighten you, and, through your efforts, spread its blessings upon Costa Rica.

TOMAS GUARDIA.

[Inclosure 2 in No. 159.—Translation.]

Answer of Congress to President.

Señor President of the Republic:

Your presence in the chamber of the national representatives at the solemn moment of its installation, is very satisfactory. It is a testimony of your confidence, and a promise of union and harmony between the powers which constitute the government of the nation.

Your important message was heard with much interest by the congress, giving an idea of the state of prosperity at which the country has arrived, and the hopes that inspire it for the future.

Until congress make the detailed answer to the ideas it contains, I am permitted to express in the name of the congress, that, faithful to its mission, it will not refuse its efforts to the aggrandizement of the country, and to carry forward, by all the means within legitimate functions, the great work with which you have so justly linked your glory and the nation's, its grandeur, as well as all others who march onward to the same end.

Dated SAN JOSÉ, May 12, 1874.

No. 108.

Mr. Williamson to Mr. Fish.

[Extract.]

No. 161.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, May 25, 1874. (Received July 6.)

SIR: I have the honor to report that, yesterday, I received official intelligence, verbally, * * that the congress of Honduras had adjourned after adopting the three following measures of importance:

- 1st. The confirmation of the provisional presidency of Leiva.
- 2d. The re-adoption of the constitution of 1865.
- 3d. The banishment of the late President Arias for five years.

It seems also * * * that the political turn events have taken in Honduras, within the last few months, has been, if not surprising, at all events, highly unsatisfactory to the government of Guatemala.

The elections for members of Congress resulted in the return of a majority of re-actionists or conservatives, and the consequence has been that many, if not a majority, of the public offices are filled by members of that party. One of the high offices is filled by Colindres, who was declared President of Honduras by the Palacios expedition at the island of Utila last summer.

* * * * *

It is impossible to give you more minute information at present. I will do so as soon as possible.

I have, &c.,

GEO. WILLIAMSON.

No. 109.

Mr. Fish to Mr. Williamson.

No. 76.]

DEPARTMENT OF STATE,
Washington, May 26, 1874.

SIR: I am in receipt of your dispatch No. 139, of the 25th ultimo, relating to the outrage upon Mr. Magee, vice-consul of Great Britain at San José de Guatemala.

Reports had already reached this Department of some such action on the part of the commandante of that place, and an account appeared in the newspapers of yesterday, giving many of the particulars and stating that—

Passengers who were on the steamer Arizona, which was in port when all this was going on, speak very strongly against Mr. James, the United States consul, (consular agent,) for not interfering to save Magee from the cruelty of the commandante.

I will thank you to investigate this matter and inform the Department as to Mr. James's conduct in the affair.

In justice to him, I will state that the first account which reached here was of an entirely different nature, and stated that Mr. James had acted with energy and promptness.

I am, &c.,

HAMILTON FISH.

No. 110.

Mr. Williamson to Mr. Fish.

No. 163.]

UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, May 29, 1874. (Received July 6.)

SIR: I have the honor to give you the following information in regard to the population and indebtedness of the states of Central America, derived from Mr. R. Toledo, postmaster-general of Guatemala, who was kind enough to furnish the facts from the manuscript copy of an American geography he is just about to publish. As no general census has been taken in any of the states for several years, Mr. Toledo has made up the sum total of the population of each state from the aggregate of the several departments or political subdivisions. From the best estimate I have been able to make his numeration seems to be correct, except as to Salvador, which I think has a population many thousands more than he gives.

Guatemala population.....	1,200,000
Foreign debt.....	\$3,000,000 00
Home debt.....	1,363,237 23
Total debt.....	4,363,237 23
Salvador population.....	400,000
Floating debt.....	\$314,832 80
Consolidated debt.....	574,704 20
Total debt; none foreign.....	889,537 00

Honduras population	350,000
Foreign debt	\$27,000,000 00
Home debt (unknown) supposed to be	150,000 00
Total debt	27,150,000 00

It is also unknown what amount of the \$27,000,000 of bonds issued has been negotiated. Probably the real indebtedness of this state will fall far short of the above sum, after a thorough investigation of its financial affairs in connection with the railroad.

Nicaragua population, 236,000. Interior debt amounts to about \$3,000,000, which, owing to its origin, is so depreciated, its evidences sell for about three per cent. of face value.

Foreign debt	\$250,000 00
Total debt	3,250,000 00

Costa Rica population	160,000
Foreign debt in bonds issued (not known how many have been negotiated or hypothecated)	\$17,000,000
Home debt unknown but supposed to be small, say	100,000
Total debt	17,100,000

I am now awaiting official reports from Salvador and Guatemala to enable me to send you a statement of the exports and imports of each of the five states during the year 1873.

The official data now in my possession indicate the total volume of the trade of all the states (exports and imports) amounts to over \$20,000,000.

I have, &c.,

GEO. WILLIAMSON.

No. 111.

Mr. Williamson to Mr. Fish.

No. 167.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, June 5, 1874. (Received July 6.)

SIR: I have the honor now to inclose you the answer of the constituent assembly of Costa Rica to the message of the President, of which a translated copy was sent you with my No. 159.

The short reply forwarded with that dispatch was, it seems, only provisional. This one is published in the official journal of the 16th of May, just received.

* * * * *

The terms which the assembly employs in regard to the revolutionary attempts to overthrow the government of President Guardia might be considered sufficiently mild in any country.

When they are used by a constituent assembly which is supposed to be indebted for its existence to the will of the executive chief rather than that of the people, they seem to indicate a moderation of temper.

* * * * *

On page 3 you will notice the expressions used with reference to "the basis of a future union in one single people" of the Central American States.

This idea of the eventual union of the five states under one government, is put forward in nearly all of the public documents of these coun-

tries ; but it is, in my opinion, a consummation so remote that no statesman in Central America contemplates its realization during his life-time. My reasons for entertaining this opinion will be set forth in a separate dispatch.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure—Translation.]

Constitutional Congress to the Most Excellent Señor General, President of the Republic :

The Constitutional Congress, convened in its regular meeting, has heard with deep interest the message you delivered on the solemn occasion of the opening of its session.

Your presence on that occasion was very flattering.

Although the constitution does not expressly decree this, it is very suitable that when the national representation is installed, at a time determined by law, the chief of the nation should appear in its bosom as a proof of mutual faith and a sign of harmony between the constitutional powers.

Not without reason have you expressed a hope that the deputies that form this body are penetrated by the importance of the delicate mission which the people have intrusted to them, and that they will be equal to the necessities of the country.

They, as well as yourself, with their hearts full of faith in the future, come disposed to labor for the prosperity of the people and the aggrandizement of the nation which they represent.

The Congress is pleased that your administration has maintained and cultivated relations with foreign nations without anything happening to disturb the harmony.

It is not less a matter for congratulation that the momentary misunderstanding between the sister republics has disappeared.

Those family ties, and the union of interests that bind them to Costa Rica, are powerful motives that ought to influence the spirit of the governments that rule them to allay all cause of misunderstandings, and to prevent the evil suggestions of those who, in an evil hour, think that to establish their ideas or their principles, or perhaps to satisfy their ambition, it is lawful to steep the soil of Central America with the blood of her sons shed in fratricidal strife. You do well in showing by acts the sentiments of the fraternity which animate you, and in taking advantage of opportunities of cementing peace among the nations of our family, and of establishing the basis of a future union in one single people.

It is very painful that the attempts of partisans have compelled you to use measures of repression to preserve the public order.

The Congress does not see, without extreme pain, these revolutionary attempts so foreign to the habits of order which characterize the Costa Ricans, and to which they owe their prosperity and aggrandizement. It is to be hoped that these parties, taught by the sad effects of the revolutions that in other parts have paralyzed progress, impeded work, annihilated industry, and demoralized the people, may abstain from excesses that endanger public tranquillity, and that, guided by sentiments of true patriotism, they may limit their actions within the sphere of strict legality.

Congress has, from the beginning, given its good-will to the grand work (that affords you the glory of undertaking it) of opening communication with the Atlantic. With reason you have rested your glory on this work, and you have labored with zeal to assure its completion. The Congress also recognizes its immense importance, and will continue to afford it all the attention which it merits.

Señor President, be assured that the members that compose the Constitutional Congress come with the sincere intention to respond worthily to the confidence of the people ; they, in the fulfilling of their delicate duties, will endeavor to be inspired with sentiments of the purest patriotism ; and with the interests of the nation.

Proceed, then, in this assurance ; justice will be the rule of our conduct, and the progress and advancement of our country the end to which our resolutions will tend ; so that your endeavors and ours, emanating from the same source and directed to the same object, will unite in advancing the great interests of the nation.

Congress will attentively hear the report of the secretary of state, and will examine it without passion or prejudice. Their judgment will be the testimony of their consciences, and not the echo of their passions.

Meanwhile the representatives of the nation congratulate you on the state of progress in which the republic finds itself in every branch of its administration, and give heartfelt thanks to divine Providence for the bounties which He has so abundantly showered upon us from His beneficent hand, and we ask the continuance of the same for you and for us.

House of Congress, National Palace, San José, Costa Rica, May 8, 1874.

JUAN RAFAEL MATA.
JUAN J. BORBON.

No. 112.

Mr. Fish to Mr. Williamson.

No. 79.]

DEPARTMENT OF STATE,
Washington, June 8, 1874.

SIR: Your No. 146 (bis) of the date of May 4 is received, and in a large degree anticipates the information asked in my No. 76, of the 26th day of May last.

The transaction to which it refers is among the most remarkable outrages upon the official representative of a foreign government of modern times, and would seem to be accounted for only upon the presumption that the perpetrator of the outrage was crazy. This presumption seems to be strengthened by the course of Mr. James at the time, and by the tenor and the conclusions of the interview between the British chargé and the minister of foreign affairs of Guatemala.

Of the agreement reached by these two officials it is not my purpose to enter into any discussion; it is a matter between those two states. But every civilized power is interested to denounce such acts as were committed and to watch the execution of the promises to bring the offender to justice.

You will therefore, without obtrusive interference, let it be known to the authorities of Guatemala that your Government feels that the civilization of the age and the immunity which the intercourse of governments exacts for their representatives in other lands, entitle it to expect the stern visitation of the law upon the perpetrator of the violence committed upon a consular representative of a government in treaty relations with Guatemala. And you will carefully report the result of any proceedings against the offending commandante.

Your own conduct at the time of the occurrence appears to have been prompt and discreet.

Mr. Magee's letter to Mr. James is a warm tribute to his course, and, in connection with Mr. James's own account of the affair, shows the latter to have acted efficiently and with good intents. But it is to be regretted that Mr. James should, even from a generous impulse, have been led into offering the protection of the American flag to one fresh from the perpetration of such a flagrant and brutal outrage as that of Commandante Gonzalez.

The American flag does not float at home for the protection from justice of villains and outlaws, and it should not abroad be tendered by the representatives of the Government for that purpose to those who are flying from the just wrath of outraged law and decency.

I am, &c.,

HAMILTON FISH.

No. 113.*Mr. Williamson to Mr. Fish.*

No. 172.]

UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, June 9, 1874. (Received July 6.)

SIR: I have the honor to inclose you the report of the minister of foreign affairs in Costa Rica to the constitutional assembly, dated May 26, and received by this morning's mail.

Accompanying the report I also send you translation of the marked parts of pages 2 and 3 and 5, which refer to this legation, and to the part taken in the meeting of the Presidents of Central America.

Your attention is also invited to the appendix containing the names of diplomatic and consular agents accredited to Costa Rica, and from that country to other states.

The document is so long that I pray to be excused for not sending you a translation of the whole.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure 2.—Translation.]

Extracts from Report of Secretary of Foreign Affairs of Costa Rica, pages 3 and 4.

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The Congress of the United States decided to reduce to one the five legations accredited to the governments of the Central American republics. In consequence of this decision Señor Don Jacob Blair, who was minister to this republic, presented on the 30th of June of last year his letter of withdrawal.

On the 13th of August of the same year the Señor Don George Williamson presented to the President of Costa Rica the credentials that accredited him as United States minister resident at Central America. Ever since he has been recognized in this character.

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Extract from page 5.

So it is in moments of sad disagreement the chief of Costa Rica conceived serious fears of a rupture between Costa Rica and her sisters, and in the bottom of his heart seriously regretted the necessity in which he believed he would find himself of seeing his country involved in a struggle of brothers, sad in its effects and barren in its results.

So it was that he eagerly seized upon the idea conceived by Señors Williamson and Corbett, the ministers of the United States and of Her Britannic Majesty, of a meeting of the five Presidents of Central America for treating of general affairs and fixing the basis of a solid and lasting peace between the Central American republics until that epoch shall arrive, marked in the destinies of these people by a complete union of all in one single nationality.

Circumstances that belong only to the private affairs of some of these states have postponed indefinitely this meeting for consulting concerning the interest of all. Notwithstanding this disappointment the government hopes that the peace will not again be disturbed, and that the ties of family that unite us to our sisters, far from being weakened, will be strengthened by the blessing of internal peace which each State enjoys, and by the deeply-grounded sentiment of concord and fraternity that exists between the people.

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No. 114.

Mr. Williamson to Mr. Fish.

No. 182.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, June 24, 1874. (Received August 12.)

SIR: Referring to the last paragraph of my No. 167, I have the honor to lay before you the facts and reasons which my present information suggests to be the chief obstacles to a union of the Central American states under one government.

1. The memories of the sanguinary struggles that occurred on account of the attempted federal union from the year 1822 until the execution

of Morazan in the plaza of San José, Costa Rica, on the 15th of September, 1842, are still quite fresh in the minds of the people. The immense loss of life, destruction of property, paralysis of commerce and agriculture and all progress, that befell Central America during the twenty years of that protracted contest, may be considered as a warning against a future attempt.

2. The debt incurred during the existence of the federal union has been a thorn in the side of all the states. The practical repudiation of their portion of it has been a stigma upon the credit of several of them. The payment of their portion by others has imposed a heavy burden upon the people.

3. No one who has not traveled through these States can realize the immense amount of local prejudice that exists; prejudices that are not based upon conflicts or diversity of interest, but seemingly the result of traditional antipathies. The antagonism of Leon and Grenada in Nicaragua caused the removal of the seat of government to a half-way place, Managua, at the time an Indian village.

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4. No state seems to accord to any other state a priority in anything. My experience has taught me to be extremely careful not to institute comparisons.

5. The populations are by no means homogeneous in any one state, and in the five states are about as heterogeneous as possible, shading from the fair-haired and blue-eyed Saxon to the black skin of the Carib.

6. There is no apparent identity of interest among the states, although, being almost exclusively agricultural, and engaged in the production of the same products, there is no obvious reason why there should be any diversity.

7. Since the death of Ex-President Cabañas, of Honduras, there has been no prominent man in Central America who has ventured to make a public issue upon the question of federation. If there are really political parties in Central America, neither one of them has embodied in its platform now, the enunciation of the principle that a federal union of the states is either practicable or desirable. If that principle ever was a cardinal one of the liberal party, it has become obsolete, and in my judgment now has quite as many advocates among those who are called serviles or re-actionists as among those termed liberals.

The pacts of Nacaomi, Chinandiga, San Miguel, and La Union, (the last as late as February 17, 1872; see Foreign Relations, 1871, p. 520,) are indications that the idea of unity has had, and probably may now have, advocates. The frequent mention of the ultimate union of the states in the papers of public men might induce a stranger to suppose there exists some popular sentiment in its favor.

Such expressions are used, I imagine, to round periods, pretty much after the fashion with which similar phrases are adopted in reference to the Utopian idea of a unity of the so-called Latin republics of America.

* * * * *

8. The difficulty of inter-communication presents an almost insurmountable barrier to a union.

The masses of the people of the several states know nothing of their neighbors. They have never seen any of them, except, perhaps, on the sea-coast; or a few peddlers; or as soldiers, carrying death and ruin along with their victorious banners. It is easier to make a trip from New York to Constantinople and back than from Guatemala to San José, or Costa Rica, by land, and the former can be accomplished in a shorter time. The communications by sea are also slow, owing to the fact that

all the capitals are in the interior. Guatemala and Salvador are the only two states connected by telegraph, and that has been accomplished within the last few days. This same difficulty will stand in the way at all times, to a great degree, because the broken character of the country will always prevent the construction of continuous lines of railway.

9. Costa Rica, if I am not misinformed, historically as well as presently, has no disposition to join the other states in a federal union. Her traditional policy seems to be that of isolation, to as great an extent as consistent with the preservation of good relations. The causes for this are too numerous to discuss in this dispatch, and I content myself by stating my belief of the fact.

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I have thus presented to you, as briefly as possible, the facts and reasons upon which the opinion is based, that a federal union of the Central American states is not likely to occur for many years, and is even doubtful altogether.

I have no information that warrants the opinion that any foreign power in late years has intrigued to prevent such a union. The latest diplomatic interference is said to have been made by the French *chargés d'affaires* during the time of the French occupation of Mexico. So far as it has been possible for me to inform myself on the subject, I believe the foreign powers are content at present to make the most they can commercially out of Central America, and to assent to a prevailing idea in this quarter that there is a "manifest destiny" which sooner or later will make the Central American states, as a whole or separately, members of the American Union.

I have, &c.,

GEO. WILLIAMSON.

No. 115.

Mr. Williamson to Mr. Fish.

No. 188.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, July 10, 1874. (Received August 19.)

SIR: I have the honor to inform you that the official journal of to-day contains an account of an affair which occurred on the 28th and 29th of June, in the department of San Marcos, of Guatemala, which lies next to Soconusco, Mexico, that seems to be of sufficient moment to report.

The statement of the affair is substantially as follows: On the 28th of June, as a force of one hundred and fifty infantry and fifty cavalry crossed the frontier of Guatemala, at a village called Malacatan, and, having surprised the small garrison there, completely routed and dispersed it, after killing the commandante and another person.

It seems, without halting long, they marched on in the direction of San Marcos, and reached that night a town called Ixtepeque.

Here they were attacked on the morning of the 29th by a Guatemala force of seventy men, and in turn completely routed and dispersed, after a fight of two hours.

The Guatemalan commander of the force reports that, without the loss of a man, he killed forty of the enemy and captured about the same number. Among the latter is the chief of the expedition. He also reports the capture of a number of arms, and that the remainder of the invading force is dispersed through the mountains.

This report, the minister of war tells me, he has good reason to be-

lieve to be true. I confess that, until he so assured me, I was almost incredulous enough to suspect it might be a canard.

The noteworthy feature of the affair is that the invading force was composed almost exclusively of regular Mexican soldiers, who composed a part of the garrison of Tapachula, in the Mexican department of Soconusco. They were in the employment of a Spaniard named José Garcia, a refugee from this city.

The minister of war and of foreign affairs both tell me they do not believe that the reactionary party in Guatemala had any connection with the affair. Their present explanation of its origin is about as follows: That the leaders of the expedition, Garcia, Coyote, and others, who had been former military associates of President Barrios in the revolution of 1871, believing that they had been badly treated by Barrios, and thinking the present a favorable time to overthrow his government and obtain their revenge, employed or hired the Mexican troops.

They express themselves as fully satisfied the Mexican authorities had no hand in the matter.

This would seem to be correct, because the Mexican civil officer at Tapachula gave notice of the invasion, and a Mexican officer, with about two hundred men, is reported on the frontier for the purpose of assisting in the capture of the fugitives.

It is, however, altogether an inexplicable affair to me at present. I will report further if I can obtain reliable information.

I am inclined to the opinion that the invasion was made with the knowledge and expected co-operation of the disaffected parties in Guatemala, who furnished the means, and that treachery has been the cause of the total defeat of their plans.

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I have, &c.,

GEO. WILLIAMSON.

No. 116.

Mr. Williamson to Mr. Fish.

[Extract.]

No. 194.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, July 27, 1874. (Received September 9.)

SIR: Referring to your instruction No. 79, I have the honor to inform you, that yesterday afternoon the council of war, composed of the chief officers of the army of Guatemala, over which Ex-President Grenados presided, concluded the trial of Gonzales and his confederate, Bulnes. The sentence of the court was, that the former should be degraded from his rank, be forever prohibited from holding any office of honor or profit in Guatemala, and be imprisoned for five years. The latter's sentence was the same in all respects, except that he is imprisoned for two years. Both have appealed to the supreme court of war, which is a civil tribunal for the final trial of military cases, and is composed of the same judges who constitute the supreme court of justice; so I am informed by the prime minister.

As instructed by you, I communicated both to the minister of foreign affairs and to the prime minister that the Government of the United States felt "that the civilization of the age, and the immunity which the intercourse of governments exacts for their representatives in other lands," gave it the right to expect the stern visitation of the law upon

the perpetrators of the outrage upon Vice-Consul Magee. Both of them professed to receive the declaration as an evidence of the friendly interest which the United States takes in the welfare of Guatemala.

To-day the prime minister told me he thought the sentence of the court was too lenient as to Gonzalez. He also stated the supreme court of war had the right to change the sentence and increase the punishment, and that the government would use its influence to have it do so. It is perhaps a coincidence that no steps (so far as I can learn) were taken to bring Gonzalez to trial until it became known the British dispatch war steamer Petrel had landed at San José with dispatches for the English chargé, and that the British Pacific squadron had been ordered to rendezvous at Panama.

The British chargé is very indignant at the sentence of the court, and has expressed to me and the French chargé his determination to notify the government of Guatemala that he considers the protocol annulled. He takes the ground that the punishment is totally inadequate to the offense, and that the government of Guatemala has shown its *mala fides* by permitting the smallest punishment to be imposed upon the accused that the law allows.

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He says, moreover, that such a punishment in Guatemala would be a farce, and that even if the supreme court does not reverse the sentence, or the president pardon the criminals in a few months, they will become heroes, instead of being degraded, in the eyes of the public.

In this opinion I fully concur with him. In any country where there are guarantees that the punishment would be inflicted according to the sentence, it would seem to be sufficiently heavy.

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I have, &c.,

GEO. WILLIAMSON.

No. 117.

Mr. Williamson to Mr. Fish.

No. 200.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, August 4, 1874. (Received Sept. 9.)

SIR: I have the honor to report that the latest information from Nicaragua, through Mr. I. A. Gauffrau, acting consul at San Juan del Sur, justifies the apprehension that a revolution in that state is very probable.

There is great excitement about the election of President in October.

* * * * *

In my No. 174 I had the honor to inform you that General Chamorro was the candidate who had the support of the government. He is still so, according to the latest information.

An event has recently occurred in Leon, of Nicaragua, which appears to show the contempt or defiance of the authority of the President which not uncommonly precedes revolutions in these states.

A decree, of which a translated copy is herewith inclosed was issued by the President, dated the 25th of June, calling to the exercise of the executive power General Don Joaquin Zavalla. He states in the preamble his reasons are of a domestic nature, and also that he is authorized by the 51st article of the constitution.

When the decree was served upon General Zavalla he declined to obey, alleging he had a sick family that required all his care.

A guard was put at his door, and a fine of one hundred dollars per hour for every hour he continued to decline obedience was assessed against him by the government.

He still continued contumacious, and a short time after President Quadra revoked the decree and resumed the executive power. I have no copy of the last decree.

This event, I am informed, increased the excitement in Nicaragua.

General Zavalla was supposed to be the friend of General Chamorro, the government candidate for the presidency.

* * * * *

General Zavalla's prudence and reputed courage, as well as devotion to the fortunes of General Chamorro, were thought by the friends of the latter to be necessary to success.

It is impossible to surmise what were General Zavalla's real motives for declining to obey the decree, but the reason assigned publicly is that he is a friend of General Chamorro, and that he wishes to use all his influence in his behalf, which he could not have done with honor if he had accepted the executive office. A highly honorable motive, I would say.

This event is reported to indicate the state of feeling in Nicaragua at the present time, and to enable you to judge of the probable correctness of my opinion that a revolution there is very probable.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure.—Translation.]

Señor Lopez to Mr. Williamson.

PRESIDENT QUADRA'S DECREE.

NATIONAL PALACE,
Managua, June 25, 1874.

SEÑOR: The supreme executive power has been pleased to issue the following decree:

The President of the republic of Nicaragua undergoing grave domestic troubles that require all his care, and not wishing for this cause to check the course of numerous general and particular affairs that are pending the consideration of the government and need a careful attention, using the power that article 51 of the constitution confers, decrees:

ARTICLE 1. Señor Senator-General Don Joaquin Zavalla be called to the exercise of the executive power, who will immediately enter upon the duties of the office.

ART. 2. The señor minister is charged with the fulfillment of the present decree, and of communicating it to whom it may concern.

Given in Managua, the 25th day of June, 1874.

VICENTE QUADRA.

The minister of war in charge of the portfolio of government,

ISIODORO LOPEZ.

And I communicate it to you for your information, signing myself your attentive servant,

LOPEZ.

No. 118.

Mr. Williamson to Mr. Fish.

No. 210.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, August 11, 1874. (Received Sept. 23.)

SIR: The supreme court of war has announced its decision in the cases of Gonzalez and Bulnes, the perpetrators of the outrage upon the British vice-consul, Magee.

The sentence in the case of Gonzalez is, in all respects, like that of which you were informed in my dispatch No. 194, except the punishment is increased from five to ten years. The latter, Bulnes, is pronounced guilty of a misdemeanor, and is deprived of his right to hold any office of trust or profit under the government of Guatemala, but the judgment of imprisonment awarded against him by the council of war is reversed, and he is restored to his liberty.

The minister of foreign affairs now tells me the cases must be finally tried before the supreme court of justice. The minister of war had previously informed me (as I understood him) that the decision of the supreme court of war was final.

There seems to be a general feeling of indignation among foreigners at the release of Bulnes. He was the deliberate actor in the outrage, who, with his own hands, several hours in advance, made ready the sticks with which Magee was so barbarously beaten.

His boasts that his influence with Prime Minister Samayoa was a perfect shield to himself and Gonzalez against any punishment for what they might do were made publicly at San José, both before and after the outrage.

He instigated the drunken madman, Gonzalez, to commit the atrocious act, and morally is the guiltier of the two. He is to go "scot free," except that for the present he is deprived of the right to hold any office of trust or profit in Guatemala.

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The British chargé told me he had taken no steps yet to declare the protocol annulled, but that he had written to the government this morning protesting against the release of Bulnes, and requesting that his case be prosecuted rigorously. He says if this is not done he will retire his legation and turn over the further management of the affair to the admiral of the British fleet, which is hourly expected at San José.

I have, &c.,

GEO. WILLIAMSON.

No. 119.

Mr. Williamson to Mr. Fish.

No. 213.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, August 15, 1874. (Received Sept. 23.)

SIR: I have the honor to inclose you copies of two letters published in the last issue of the semi-official paper of this city, styled *El Progreso*.

The original of that of Mr. Soto was intrusted to Mr. Rosa, late minister of foreign affairs at Guatemala, when he started on the confidential mission to Honduras from the government of Guatemala, referred to in the fourth and fifth paragraphs of my No. 174. It seems, although Mr. Rosa was recalled, he managed to have the letter of Mr. Soto published in the newspaper of Nicaragua.

* * * * *

These letters may have no special significance in themselves, but as public documents, illustrative, in some measure, of the policy of the present governments of Guatemala and Honduras, it seems proper to forward them for your consideration.

I have, &c.,

GEO. WILLIAMSON.

[Inclosure.]

Extracts from "El Progreso," of Guatemala.—Translation.

Señor Soto to Señor P. Leiva.

GUATEMALA, May 15, 1874.

MY ESTEEMED FRIEND: With pleasure I begin this letter, by congratulating you upon the confirmation that the Congress has given to your appointment as provisional President of Honduras. Receive, then, my sincere good wishes. Señor President Barrios has directed that my cousin-german, Don Ramon Rosa, proceed to your capital on a confidential mission that he has conferred on him near you, and I take this opportunity of presenting Rosa to you as a member of my family, and of recommending him to your friendship.

Two steamers since I wrote to you concerning the business that has given rise to this mission of Señor Rosa's, and at present I will allow myself to speak fully, relying on the conviction I have of the rectitude of your intentions, your honor, and patriotism.

Public opinion already, by words and in print, has pronounced against the last events that have transpired in Honduras; that is, the fall of the government of Arias, by the allied forces of Guatemala and Salvador, and especially the capture of Amapala.

You understand perfectly the reasons for addressing to Señor Arias the paper signed by the two Presidents of the allied republics, which Señor General Gonzalez has had published. In that paper Señor Arias was invited to lay down the command and to call a popular election. In it the two Presidents assured Señor Arias that not only his life and liberty should be guaranteed, but that they would use all of their influence that the consideration due to his high character and personal merits should be respected and guarded. When Señor Arias surrendered in the Plaza of Comayagua, the article of surrender signed by the Generals Espinoza, Solares, and Lopez, guaranteed alike to Señor Arias, in the most solemn manner, his liberty and his life, and the same to his cabinet. With these antecedents it could not appear but strange that Ex-President Arias and his minister, del Cid, have been imprisoned, and it is still more strange that the latest information is that the Congress of that country is going to try Arias and submit his case to the common tribunals.

I, on seeing the names of the deputies that assembled at the installation of the national convention, have found an explanation of these acts.

There appear, in the first and greater part, true allies of the ultra-conservative party, and even those who composed the government of Utila! It is certainly not strange, then, that the national convention, so formed, pardoned Medina, and even applauded him, and condemned Arias to perpetual exile or death.

I do not believe that these individuals are competent judges for trying the political conduct either of the former, Medina, or of the latter, Arias.

In respect to Medina, the majority of them were partial to him, and even his accomplices; in respect to Arias, the whole of them were his personal and violent enemies.

The vote, then, of this grand jury cannot be the expression of justice. At present I cannot conceive the right they have of trying Arias. As dictator, the public opinion of his country is his only judge, and as chief of a nation who has surrendered in virtue of the solemn agreement which the generals-in-chief of the forces of Honduras, Salvador, and Guatemala signed, an agreement in which was guaranteed the life of President Arias and his ministers, there is not any judge competent to try them, for the law of nations places them entirely beyond all jurisdiction, and accords them, as voluntary prisoners of war, immunity of life and property and a full guarantee of their liberty.

The government of Guatemala, since it feels it is compromised by itself and its general-in-chief to consider what is due to Señor Arias, cannot see with criminal indifference the evil course that is pursued against one of the most sincere liberals of Central America, who has afforded such valuable service to the cause of the revolution, and has always been their friend and ally.

I firmly believe that the confidential mission which Señor Rosa undertakes to you will be appreciated at its true value, on account of the motives that cause it, motives which I do not doubt will find a warm response in your noble and patriotic breast.

I believe, moreover, that this mission will free you from the exigencies and intrigues of the enemies of Señor Arias, who wish to cause your ruin; because you, working in conformity with the agreement and for the sake of a friendly government which asks the liberty of Señor Arias, free yourself from the charge and responsibilities these bitter political cliques wish to impose upon you.

Frankly, my friend, I do not believe, nor do I wish to believe, that you have taken part in the disgraceful events that have been endured by and threaten Señor Arias. Your high and noble spirit will always contradict even the suspicion that you can have taken part in them. Therefore, as I have shown you before this, and in the present letter, arise the sympathy and interest I have for you personally and for your govern-

ment. I do not wish that your well-merited reputation should be diminished, or that they should say of you that when in power he has done the same thing he condemned in his predecessor.

Will you, then, receive my thoughts with kindness, and, on my recommendation, the Señor Rosa as true and sincere a friend as,

Your attentive servant,

MARCO A. SOTO.

Señor Leiva to Señor Soto.

COMAYAGUA, July 8, 1874.

MY ESTEEMED FRIEND: In the 25th number of the *El Porvenir de Nicaragua* was published a letter dated May 15, which it appears you sent to me by Señor Lic^{do} Rosa, which I did not receive, as the said señor returned from the journey when he found the mission was unnecessary.

A certain person, whose name is unknown to me, has procured its publication, asserting, with evil intent, that a copy had been sent from this capital.

You, to whom the Señor Rosa ought to have returned the original, will know if he has consented to the aforementioned publication; and if he has not, can find who the person is who has abused his confidence. However, in regard to the contents of said letter, it is satisfactory to me to believe that, by the facts, you will be convinced that the convention was not, as some suppose, an enraged body, with the sword of vengeance raised, and that, in respect to myself, I was not deceived in thinking myself of sufficient strength of will to be generous to the prisoner Arias, raising my sentiments above every miserable passion. I interested myself in his favor, even opposing public opinion, which was averse to him. The exile to which he has been condemned by the convention he would have had to endure of his own accord, as he could not have resided without danger in the country until some time had elapsed. By reason of this same decision, the judge of his conduct, it was necessary to order his detention, modifying the agreement of the surrender, which I ought to approve, as commanding general of the republic, under whose orders were the generals of the besieging forces.

There is an interest on the part of some false liberals of this republic to discredit my government, and for that purpose they write injurious falsehoods, which they publish in the *El Porvenir de Nicaragua*, a periodical that, with the stupidity of Pasquino, publishes everything. But I look with contempt on its calumnies, trusting in the good sense of the worthy Hondurans, who are the witnesses of my conduct favorable to the people who have trusted me with their destinies.

I have proposed to give freedom to liberal principles in Honduras, beginning by guaranteeing the free use of the right of suffrage, and through this there have appeared in the convention men of different political opinions; and on this account I use in the administration of public affairs citizens indiscriminately from parties that call themselves liberals or conservatives, without declaring myself the chief of either, and so far have had no cause to repent of pursuing such a course. If this course is approved by my fellow-citizens, if these same parties limit their desire for exclusiveness, there will result the maintenance of the peace of the republic, which is what I most earnestly desire. If I am deceived, and the result of this purely national course does not answer my hopes, and new disturbances arise in an evil hour to oppose the authors of these, I will have the sad reproach of knowing that in my country there are still men unworthy of the liberty the existing government offers to all.

I will write to you by the following mail, meanwhile awaiting your orders.

I am, your obedient servant,

PONCIANO LEIVA.

No. 120.

Mr. Williamson to Mr. Fish.

No. 214.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, August 17, 1874. (Received September 23.)

SIR: I have the honor to state that, if you think it desirable, I would like to furnish you as full information as I may be able to obtain relative to the commerce, navigation, agriculture, and industrial arts of Central America, and also to the laws that affect any of our people coming here or having commercial relations with this country.

It has occurred to me such knowledge might prove serviceable to our country, and that in transmitting it (if successful) I would be fulfilling in part the duties of the mission.

Without any intention to censure directly or impliedly any of the ministers to the Central states heretofore, I beg leave to say that an inspection of their correspondence indicates their attention was not much given to such subjects.

You are aware that in these countries there are no statistical tables collected or published by the governments, and that they have the misfortune not to have newspapers or scientific societies which make it a business to collect facts relating to the public life of the state.

In order to make the effort to obtain the information, it appears (from my construction of your instruction No. 8,) to be necessary to obtain your permission to correspond officially on these subjects with the several governments of Guatemala, Salvador, Honduras, and Nicaragua, and also with that of Costa Rica, if relations should be restored with that state.

I beg to present an illustration of a beneficial effect that might accrue from obtaining the kind of information alluded to. I am convinced, from unofficial sources, the export and import duties in most, if not all, of these states are so levied as to be prejudicial to our commerce. It may be this has resulted, in a measure, from the advice of some of our commercial rivals.

If the official data could be obtained, it seems it ought not to be difficult to point out to these governments how unjustly they discriminate against the commerce of the United States.

They might be shown how heavy are the duties on those articles we can undoubtedly furnish more cheaply than other nations, such as flour, bacon, lard, petroleum-oils, patent medicines; canned fish, oysters, meats, and fruits; California wines and liquors, and other articles I cannot at the moment recall.

A knowledge of the tariff-laws of the several Central American states would seem to be useful, if not quite necessary, in the negotiation of future treaties. It is hoped you will allow me to present another illustration of the necessity of official correspondence in connection with the subject of commerce. There being no consuls at the seats of government of Honduras and Nicaragua, annual official statements of exports and imports cannot be obtained without incurring an obligation to the courtesy of some private citizen, which, in my judgment, ought always to be avoided by a minister if possible.

It seems desirable that our Government should be well informed in regard to the supply of agricultural and natural products of these countries, which we import and consume or manufacture largely, particularly coffee, cochineal, indigo, India rubber, sarsaparilla, and sugar or muscovado.

A knowledge of the laws that affect our citizens residing here or who may choose to come here would seem to be worthy of acquisition.

I regret to trouble you with this long dispatch, but am induced to do so from my anxiety to infringe in no manner the rules of the Department, and to conform strictly to the interpretation put upon your instruction No. 81.

I have, &c.,

GEO. WILLIAMSON.

No. 121.

Mr. Williamson to Mr. Fish.

No. 220.] UNITED STATES LEGATION IN CENTRAL AMERICA,
Guatemala, August 21, 1874. (Received Sept. 23.)

SIR: I have the honor to report that the arrangement for the settlement of the questions between Great Britain and Guatemala which grew out of the outrage upon Vice-Consul Magee at the port of San José, on the 24th of April last, has been completed. My information is derived from the British chargé d'affaires and from the minister of foreign affairs of Guatemala.

The supreme court of justice announced its sentence yesterday in the cases of Gonzalez and Bulnes. I am assured it is final.

In my No. 210 I reported to you the decision of the supreme court of war, by which Bulnes was acquitted. That decision has been reversed by the supreme court of justice. The sentence now is, in the case of Gonzalez, that he be destituted of his rank and sentenced to close confinement for ten years in the fortress of San Felipe, and be forever prohibited from holding any office of honor, trust, or profit under the government of Guatemala.

I take occasion to remark, on this sentence, that destitution of rank here is quite different from degradation from rank. The former is an act consummated by the decree of the court or the mandate of the President. In the latter the officer who is to be punished is degraded in some public place, in the presence of his comrades and voluntary spectators, in the most severe and ceremonious manner.

I also beg leave to say the fortress of San Felipe is an unfinished and partly demolished old Spanish fort, located just where the gulf or lake of Dulce begins to discharge itself through the river Dulce into the Gulf Amatique, on the Caribbean or north side of Guatemala. Having been through this ruin, I would pronounce it anything but a safe place for a prisoner who wished to escape.

The sentence of the court in the case of Bulnes is, that he shall be imprisoned for three years and be forever deprived of the right of holding any office of honor, trust, or profit under the government of Guatemala.

The British chargé having decided that the foregoing sentences were unsatisfactory, demanded, under special instruction, that the government of Guatemala should pay \$50,000, and that a salute of twenty-one guns should be fired to the British flag at San José by the troops of Guatemala, under the immediate command of the military officer of the highest rank in the state, and in the presence of himself, the British admiral, and such of the diplomatic corps as he might invite to be present. To these terms the government of Guatemala acceded yesterday, as I am informed by the British chargé and the prime minister and the minister of foreign affairs.

The money is to be paid on the day the salute is fired. That day is not yet agreed upon, but the 30th or 31st has been indicated.

The only difference between the statements of the two parties as to the arrangement is, that the Guatemalan officials state the government reserves the right to present "justifications" of its course to the British government, and to reclaim the \$50,000 if that government should become convinced at any future time it was wrong in requiring its payment.

The British chargé says there is no reservation of any kind whatever,

and that the settlement is either final and conclusive of the whole matter, or it is of no effect whatever.

I anticipate there will be no further serious trouble or correspondence about this subject.

I have, &c.,

GEO. WILLIAMSON.

No. 122.

Señor Dardon to Mr. Fish.

[Translation.]

LEGATION OF GUATEMALA,

New York, August 30, 1873. (Received Sept. 5.)

SIR: The undersigned, minister plenipotentiary of Guatemala, by order of his government, has the honor to inform his excellency the Secretary of Foreign Relations of the United States that Don Enrique Palacios and other Central American emigrants were engaged for some time at Aspinwall in preparing an armed expedition for the purpose of invading the republics of Guatemala, Salvador, and Honduras, and of reviving the civil war which has scarcely come to an end. With this design, they purchased the steamer General Sherman, which was sailing under the United States flag, equipped it with war material, embarked, and set sail for Belize, in order to get arms which they had deposited there. The governor of the colony, however, having been informed of the revolutionary designs of Palacios and his companions, forbade the shipment of the arms; whereupon they sailed for the ports of Truxillo and Omoa, in Honduras.

The government of the undersigned has learned with regret that the aforesaid steamer left the port of Aspinwall, raising the flag of the United States, and that, although the revolutionists publicly announced through the press that their object was to overthrow the order established in three of the republics of Central America, the consuls or consular agents of the United States at Aspinwall, Belize, and other ports in Honduras made no effort to prevent the American flag from being used to protect this unlawful enterprise.

The government of Guatemala, trusting to the high sense of justice of that of the United States, and to the friendship and harmony which happily exist between the two nations, hopes that your excellency's government, having been made aware of the above facts, will be pleased to issue orders for the pursuit and apprehension of the steamer General Sherman, and to instruct the consuls and agents of the United States not to permit a filibustering expedition, whose object is to disturb the peace of Central America, to be protected by the flag of a friendly nation.

I avail, &c.,

VICENTE DARDON.

No. 123.

Mr. Fish to Señor Dardon.

DEPARTMENT OF STATE,

Washington, September 9, 1873.

The undersigned, Secretary of State of the United States, has the

honor to acknowledge the receipt of the note of the 30th ultimo, addressed to this Department by Mr. Dardon, minister plenipotentiary of Guatemala, representing that Don Henry Palacios and other emigrants from Central America, who for some time past had been preparing at Colon or Aspinwall an armed expedition to invade the republics of Guatemala, Salvador, and Honduras, had for that purpose bought the steamer General Sherman, which was under the flag of the United States, had placed munitions of war on board of her, and, embarking in her, had proceeded to Belize to receive arms which they had lodged there.

Mr. Dardon complains that, although the object of the expedition adverted to was notorious, the consuls or consular agents of the United States at Aspinwall, Belize, and the ports of Honduras opposed no obstacle to the shielding of the illegal enterprise by the American flag.

Mr. Dardon consequently expresses, on behalf of his government, that the Government of the United States will issue orders for the pursuit and capture of the General Sherman, and that their consuls and agents will be instructed not to allow a filibustering expedition to disturb the peace of Central America.

In reply, the undersigned has the honor to express his regret that any hostile expedition should have been set on foot under the flag of the United States for the purpose of invading the territories of friendly states. If, however, as Mr. Dardon alleges, the General Sherman has been sold to foreigners, this Government is no longer responsible for her acts. Though the sale deprived her of the right to fly the flag of the United States, Mr. Dardon is probably aware that, in time of actual or threatened hostilities, it is a common occurrence for such a right to be assumed as a stratagem, and the undersigned is aware of no penalty for such an assumption.

The legislation of the United States may be regarded as ample for the punishment of their citizens who, even without their jurisdiction, may take part in any hostile expedition against a country with which their government may be at peace. If Mr. Dardon or his government believes that any such citizens have been engaged in such an enterprise from or at either of the points named in his note, prosecutions against them will be instituted when the proper proof of their wrong-doing shall have been produced to competent judicial authority. In regard to the instructions to consular officers requested by Mr. Dardon, that gentleman must be aware that, within the territory of another country, they have no other authority than such as may be derived from treaty and public law, and, so far as the undersigned is aware, there is no provision of either by which they are authorized even to attempt to arrest an expedition against a neutral power in a vessel belonging to foreigners.

If this Government had reason to believe that, since her sale, as above mentioned, the General Sherman had been guilty of acts of piracy on the high seas, it would direct its naval commanders to arrest her therefor. But as even Mr. Dardon does not allege that any such acts have been or are likely to be committed, it is deemed most advisable to abstain at present from giving any such orders.

The information upon this subject conveyed in Mr. Dardon's note and received from other sources is not as full as is desired. Measures have been adopted toward supplying deficiencies. When that shall have been done, there may be occasion again to address Mr. Dardon in regard to it.

Meanwhile the undersigned avails, &c.

HAMILTON FISH.

No. 124.

Señor Dardon to Mr. Fish.

[Translation.]

LEGATION OF GUATEMALA IN THE UNITED STATES,
No. 13 SOUTH WILLIAM STREET, NEW YORK,
November 22, 1873. (Received Nov. 26.)

The undersigned, minister of Guatemala and Salvador, has the honor to inform the honorable Secretary of State of the United States that the steamer Colon, which arrived in this port on the 17th instant, from Aspinwall, brought two hundred and fifty-eight cases of arms and munitions of war, sent by Don Enrique Palacios, the leader of the filibustering expedition against the republics of Guatemala, Salvador, and Honduras, and consigned to Messrs. Ribon & Muñoz, of this city, to be kept subject to his order. These arms and munitions were removed from on board of the steamer General Sherman when the authorities of the republic of Colombia were about to embargo them at the request of the consul of Guatemala at Aspinwall, and Mr. Palacios, having no other means of preventing them from being embargoed, has sent them to this city, in order to have them ready for a fresh expedition against those republics. As Messrs. Ribon & Muñoz, however, are unwilling to receive this consignment, the articles have been left at the custom-house, subject to the order of the sender, as those gentlemen have informed the undersigned.

Palacios is a citizen of Guatemala, who, a few months since, in conjunction with other Central Americans, organized a filibustering expedition, with the design of subverting public order in Guatemala, Salvador, and Honduras, as the undersigned has had on a previous occasion the honor to inform the honorable Secretary of State. The filibusters, having been defeated by the government of Guatemala, re-embarked on board of the steamer General Sherman, and returned to Aspinwall, for the purpose of procuring means to continue in their illegal enterprise. Palacios, however, not thinking that the arms which he had brought from Central America were safe there, has shipped them to this city, and the undersigned, desiring to prevent these arms and munitions of war, which are now stored in the New York custom-house, from being removed therefrom before it shall have been shown before a competent court that they are a lawful prize, begs the honorable Secretary of State to be pleased to give the necessary orders, to the end that the custom-house of this city may hold the articles aforesaid until the competent authorities shall have rendered a decision.

The undersigned has, &c.,

VICENTE DARDON.

No. 125.

Mr. Fish to Señor Dardon.

DEPARTMENT OF STATE,
Washington, January 15, 1874.

The undersigned, Secretary of State of the United States, has the honor to state that the note of Mr. Dardon, minister of Guatemala and

Salvador, of the 22d of November last, reached here in due season, but having accidentally been mislaid, this alone has occasioned the delay of an acknowledgment of its receipt.

That paper represents that the steamer Colon, which arrived at New York on the 17th of November, brought a number of cases of arms and munitions of war, sent by Don Enrique Palacios, and that, as their consignees declined to receive them, they remain at the custom-house, subject, as is supposed, to the order of the sender. Mr. Dardon consequently requests that the articles referred to may be detained until a competent court shall determine that they are a lawful prize.

In reply, the undersigned has the honor to state that, without questioning the antecedents which Mr. Dardon mentions in regard to the articles adverted to, it is presumed they were imported into the United States in the same manner and subject to the same conditions as other merchandise of a similar character. If the requirements of the law shall have been fulfilled in regard to them, there is no executive authority which can properly interfere with the claim of the rightful owner. They cannot be detained contrary to his pleasure, except by order of a court of justice, and during the pendency of any suit which may be brought in respect to them, if such order should so require.

The undersigned avails, &c.,

HAMILTON FISH.

No. 126.

Señor E. Benard to Mr. Fish.

[Translation.]

LEGATION OF NICARAGUA IN THE U. S. OF AMERICA,
Washington, September 14, 1874. (Received Sept. 14.)

Hon. Mr. SECRETARY OF STATE:

In the mission which I have held in the United States, I have been particularly charged to represent the noble aspirations of the government and people of Nicaragua that their isthmus should be adopted for the canal which ought to unite the two oceans.

My government, in previous times, has heard with regret that it was considered by the press of this country as rather unwilling to enter into the progressive movement of the age, perhaps because it defended its rights against the unfounded pretensions of canal or transit companies; and therefore, on perceiving that this Government took an interest in the realization of the work, mine not only received with approbation its exploring commissions, but established a legation with the primordial object of insuring that concern which on several occasions it has manifested in favor of the undertaking. The honor which has been conferred upon me by my being designated to transmit these sentiments is due solely to the known enthusiasm with which I have ever regarded the projected work.

Since I had the honor to be officially received, I have manifested, by speech and by writing, the earnest wish of my government, and I doubt not that his Excellency the President, his honorable Cabinet, and the whole nation, will have been impregnated with the desideratum of my country; not because I may have been able to express it, but because from the clear-sightedness of this Government and this people cannot be hidden the consequences which are logically inferable from the facts.

Thus it is, that, having discharged my principal duty, I might have retired, but I was desirous first of hearing the opinion of the high commission in regard to the practicability of the work, and, if it was favorable to Nicaragua, to carry to her this present which she awaits so anxiously.

With pleasure I have waited here for that opinion, announced for the beginning of October; but now I know with certainty that Professor Peirce, member of the commission, will not arrive at this capital before even November, supposing that there are no unforeseen delays, such as before have occurred to prevent the termination of this affair, which may thus be postponed until the winter.

The honorable Secretary of State is not unaware that, through considerations of health, I cannot remain here until then, and, it being already impossible for me to carry with me that opinion, I think that I ought to absent myself for the present, in order to make report to my government and ask of it new instructions; or, if it holds that my mission is terminated, that it may send in form the proper letter of recall.

But not satisfied with all I have said in private conferences to his Excellency the President, as well as to the honorable Secretary of State, I have the honor to reiterate to them now that whenever it shall wish that the isthmus of Nicaragua be designated as the preferable route, this Government ought to rely on it that mine will yield to the most liberal negotiations which the work demands and which may be in its power to concede.

I take the liberty of sending to the honorable Secretary of State the inclosed pamphlet relative to the projected interoceanic canal, entreating him to be pleased to have it sent to the office of the commission charged with the examination of the isthmuses of America.

Any communication which the honorable Secretary of State may wish to send me, he will please direct to the care of Mr. Alexander Cotheal, consul-general of Nicaragua, at New York, 62 West Thirty-sixth street.

I avail, &c.,

E. BENARD.

[Inclosure.]

A few considerations respecting the Nicaragua ship-canal.

The discovery of the New World, and the project of cutting a canal through it to facilitate communication between the Atlantic and Pacific Oceans, are coetaneous. But the elaboration of those deeds which mark an epoch is slow. Great events often need centuries to be executed, and the previous discussions to which they from time to time give rise are only the forerunners of their future realization.

While the various countries of America were still colonies, the canal was not forgotten, it is true, although no adequate efforts were made to secure its construction. The commerce of those days did not demand such an auxiliary. When, however, the entire continent began to share that liberty which was first secured and proclaimed by the United States; when it found itself the arbiter of its own destinies, every section that possessed an isthmus became enthusiastic for the construction of the great work, thinking that the time for its accomplishment had arrived.

Such was the feeling in Central America, and especially in Nicaragua, when that country became a sovereign nation, for Nicaragua thinks that the canal will be the most speedy and efficacious means to promote her prosperity, and that its construction is only a question of time.

Entertaining this conviction, the Nicaraguan government has always received proposals for the construction of the work with enthusiasm. It may be confidently asserted that so great joy never prevailed in that republic as when the California gold mines were discovered, because it was thought that, by reason of the impetus which would thus be given to emigration and to the commerce of all nations, the longed-for moment was at hand.

Overhaste, resulting from the conviction above referred to, has at various times been a source of disappointment to the republic, negotiations having been entered into with parties who were powerless to fulfill their engagements. These disap-

pointments, however, have not discouraged her; she has remained unshaken in her belief that the interest of the world at large will one day cause the powerful hand to be uplifted which is to open communication between the two oceans.

The United States, that enterprising nation which has the gift of accomplishing what it designs, and which has the genius and the power to thrust aside all obstacles that stand in the way of great things, have doubtless inspired the men who control their destinies, and who will, beyond a doubt, satisfy their noble aspirations.

This Government has sent various exploring expeditions to examine the routes by which the work was considered practicable. This shows the lively interest with which this matter is regarded at the present time, and furnishes evidence that it will hereafter receive the consideration that it deserves.

In view of the many facts now in possession of the public, which it is unnecessary to repeat here, the expeditions which have visited Nicaragua are satisfied that they have found the route marked out by nature.

If Nicaragua would be gratified to see the canal constructed through the territory of any nation on this continent, inasmuch as they are all her sisters, and the benefits accruing from such a work would be enjoyed more or less by all, her gratification would of course be greater should the territory selected be her own.

The engineers who have examined the Nicaraguan isthmus have seen that there are no serious obstacles in the way of the enterprise, and although their observations were confined to the line of the canal, they nevertheless gained a clear idea of the elements of wealth in which that favored region abounds; still, a short description will not be superfluous, for the benefit of those who have not visited the country and of those who may have become or who may desire to become directly interested in the matter.

I.—The healthfulness of the Nicaraguan coast, on either ocean, could not be greater than it is. It is exceptional, because the coasts of tropical countries on this continent are for the most part sickly. At San Juan del Norte, Cape Gracias, Corinto, and San Juan del Sur, families, both native and foreign, have been living for many years, and have never found it necessary to emigrate on account of diseases prevailing in those places. When the journey to California was made via Nicaragua, hundreds of thousands of persons crossed that isthmus, and, notwithstanding the delays rendered necessary by a defective transit, the health of travelers was never known to suffer from epidemics. This statement will be vouched for by the various exploring expeditions which this Government has recently sent to Nicaragua. The many persons composing the same have had a good opportunity to appreciate, during the performance of the long and painful tasks allotted to them, the incomparable salubrity of that delightful climate, which is cooled and purified by a constant breeze.

Along the river San Juan this salubrity is to be wondered at when we consider that its banks are covered with the most luxuriant vegetation. Hundreds of *huleros*, or rubber-hunters, penetrate those dense thickets, being engaged the whole year round in extracting that gum, the trade in which, such is its abundance, keeps many persons, both natives and foreigners, at San Juan del Norte, there being not a few who with this one article have amassed considerable fortunes. These intrepid developers of the country's wealth, whose life is passed in the midst of privations and hardships, enjoy the most perfect health.

It would be superfluous to speak of the interior of the country, where the climate is the most delightful that can be desired. Americans and Europeans who live there can best testify to the truth of this statement. However little knowledge one may have of that region, the excellence and variety of its climate will be readily perceived, the northeast wind blowing there during the entire year, and the country extending from the fertile plains of the Pacific to the elevated table-lands which overlook the Atlantic on the north.

II.—The Central American states, like almost the whole of America, are very mountainous, and the various mountain-chains and their branches intersect each other in every direction. Nicaragua alone is there an exception in this respect. Four of its departments, Rivas, Granada, Leon, and Chinandega, the principal ones as regards the development of their agriculture, commerce, and manufactures, are level, especially the one first named, which comprises the isthmus proper, and which has always been considered as the most suitable locality for the canal.

The Andes range of mountains, so lofty throughout its whole extent, is broken in Nicaragua, as if Nature had designed to remove this great obstacle, leaving the rest of the work only to be accomplished by the skill and labor of man.

III.—The materials which would be required for the construction of the work are found in inexhaustible quantities in the departments referred to. The white and brown lime found in the numerous pits which they contain, is of so excellent a quality that mortar made from it is not inferior to Roman cement. Commander Edward P. Lull, U. S. N., and Mr. Aniceto G. Menocal, civil engineer, both distinguished explorers of that isthmus, were surprised at the solidity of sundry very old edifices built with this material, and have brought specimens of it to this country for the purpose of submitting them to scientific examinations.

Immense quarries, containing stone in every variety, are found in the immediate vicinity of the proposed line of the canal. Moreover, that none of the requisites for mason-work may be wanting, clay of a superior quality, suitable for the manufacture of brick, abounds in the same locality.

The abundance of timber which would be available for the enterprise, from San Juan del Norte to Brito, or any other point on the Pacific which might be selected as one of the termini of the canal, is still more prodigious, and not only is timber found suitable for the construction of buildings, vessels, or other preparatory works which might be required, but also of a quality which is remarkable on account of its durability when placed under ground or under water.

The engineers of the expeditions which have explored the isthmus, were frequently struck with astonishment at the lavish bounty with which nature had provided, along the entire route examined by them, all the materials that would be required.

The prodigality of nature, however, did not end there. She also designed to facilitate the conveyance of these materials, and formed that wonderful chain of lakes, which extends from north to south throughout the center of almost the entire republic, thus creating a natural and permanent means of communication which leaves nothing to be desired. She also formed the plains which lie between the lakes and the Pacific, and which are now intersected by wagon-roads in every direction.

IV.—While Nicaragua has in abundance the materials required for the work, she also has a population which understands its meaning; which desires it, and which will give it a decisive impulse by furnishing its quota of mechanics, and of intelligent, docile laborers who are inured to every kind of toil. The wages of such persons, which are so high in other countries on account of the heavy cost of living, are in Nicaragua one dollar per diem for the class first mentioned, and fifty cents for the latter. The population of the republic being three hundred thousand, it could easily furnish from three to five thousand men for the work in question, without prejudice to its agriculture and other branches of industry. The Nicaraguan laborer, moreover, must be considered as the most perfect model of what is required for work of this kind; having a thorough knowledge of the country, through his fondness for traveling, not being affected by the heat of the tropics, accustomed to labor, unmindful of the inclemency of the weather, frugal in his mode of life, of a cheerful disposition, and faithful to his employer, he seems to possess every condition needed in order to render his assistance valuable in the highest degree.

Not only Nicaragua, however, will furnish men to aid in the accomplishment of the great project. Her sisters and neighbors, the republics of Central America, containing a population of two millions, will lend their powerful aid. It may be said that the laboring class of Guatemala, Salvador, Honduras, and Costa Rica is as well adapted to perform the labor which this work will require, and to support the hardships incident thereto, as is that of Nicaragua. Besides, the feeling which prevails among the people of those countries and the friendly disposition of their governments are a guarantee of their hearty co-operation. The inhabitants of all those countries justly consider the Nicaragua canal as a national work, and as the most effective step which can be taken, in the way of peaceful measures, toward the establishment of a Central American Union. The official communications which have recently been addressed to Nicaragua by those governments, and which will be found at the end of this pamphlet, furnish reliable evidence of these generous sentiments.

V.—Now that I have spoken, although very briefly, of the favorable conditions presented by that portion of the republic which extends along the Pacific, and of the peculiar facilities which it offers for agriculture, it will not be out of place to make some reference to the almost untouched wealth of the broad strip of land which borders on the Atlantic on the east.

The departments of Segovia, Matagalpa, Chontales, and the Mosquito territory, which are situated in that region, could not have been more munificently endowed by nature. Favored as they are by the variety of climate resulting from the elevation of their mountains and the depth of their valleys, watered by innumerable rivers and streams, motive power and wealth of soil present themselves there at every step to the industry of man. Medicinal and fragrant plants, such as sarsaparilla, ginger, and vanilla, are everywhere met with; vast forests are found, consisting of logwood, moranwood, mahogany, ebony, and various other kinds of wood used in dyeing and fine cabinet-work; gums and balsams, such as copaiba, caoutchouc, balsamum nigrum, and gutta-percha, abound. The richest deposits of gold, silver, quicksilver, copper, and other minerals are found at the very surface of the earth.

Who does not know that Chontales is called the gold region? And what shall we say of the animal kingdom? So many are the varieties of which it is composed that it would be necessary to write many pages in order merely to give an idea of them.

In those departments we find, succeeding each other in admirable harmony, extensive plains of natural pasture, where vast herds of neat-cattle and horses graze; fertile table-lands, at a considerable height above the level of the sea, where wheat grows by the side of the sugar-cane; and, on the lofty and cold mountain-tops, wild silk and

vegetable wax are produced in the immediate vicinity of the majestic forests of pitch-pine.

Those regions only need adequate means of communication in order to offer their incalculable wealth in the utmost abundance to the throngs of emigrants who annually leave their native land, fleeing from the sterility of a soil which has been impoverished by long and uninterrupted cultivation.

Few localities are so well adapted, as those which I am now describing, to one of the imperative necessities of the canal. This is referred to by Hon. G. M. Robeson, Secretary of the Navy, in his report for 1872, in the following remarkable words: "The route of the proposed canal, besides geographical position, should, if possible, be through a locality capable of developing local population, wealth, trade, and agriculture, for these in themselves would be a protectorate and guardian of the great work, and would provide sufficient supplies, repairs, and other necessities to passing navigation, which, in localities less favored or more remote, could only be secured at great expense and under certain conditions."

VI.—Nicaragua, as everybody knows, possesses among its various lakes two which are especially worthy of attention, viz, Lake Managua and Lake Nicaragua, whose waters could not be better than they are for all the ordinary uses of life. The former, which is smaller than the latter, flows into it through the Tipatapa River, and both, together with that natural canal, occupy an extent of nearly two hundred miles in length. Many never-failing rivers and streams, which water the vast sides of the great basin of those lakes, discharge their waters during the entire year, more or less abundantly, into those immense reservoirs.

The smaller lake, which is highly picturesque, and on the shore of which stands the capital of the republic, terminates at the north near the Pacific. A strip of land eighteen miles in width separates it from that ocean. This circumstance, together with that of its being connected with the great lake by the Tipitapa River, doubtless led the illustrious prisoner of Ham to suggest this line as the best for the proposed Nicaragua canal. Now that the question has been examined and discussed in all its bearings, science has demonstrated the superiority of that other portion of the isthmus, which was selected by Colonel Childs as being the best route, and which, in view of the additional light which has been thrown upon it by the recent expeditions of Commanders Hatfield and Lull, is the one which decidedly deserves the preference. The great lake and the Pacific are in such close proximity to each other, in this section, that the noise of the waves of both is often heard at the same time. The shortest distance between them is not greater than ten miles; and notwithstanding the curves of the line now proposed, which terminates at the port of Brito, the length of said line does not exceed sixteen miles.

If Lake Managua is, for many reasons, deserving of attention, Lake Nicaragua is infinitely more so. With a length of one hundred and ten and a breadth of thirty-five miles, it cannot properly be called a lake; it is really an inland sea. The great body of water which it pours into the Atlantic through the San Juan River, and which is estimated to be thirty times greater than the amount needed for the purposes of the canal; its small elevation above the average level of the two oceans, (106 feet;) the great relative depth of its waters; the constant breeze which cools it; the fertility, the abundant products, the population, and the continual traffic of its shores; its excellent ports; its numerous and rich islands, among which Ometepe is a real wonder, on account of the majesty of its cone and the spontaneous growth of its vegetation; all these inestimable conditions make that great lake the true harbor of the canal, where all the squadrons of the world will at all times be able to find shelter.

VII.—As a complement of the advantageous circumstances which militate in favor of the proposed canal, it is necessary to give an idea of the total extent of the territory of Nicaragua, of the population which it is able to maintain, and of the desire of its inhabitants to promote immigration.

The republic embraces a surface of 34,500 square miles of a soil whose fertility is such that it could easily support several millions of inhabitants. One-third of this surface is owned by individuals and by communities; the remaining two-thirds are the property of the nation, and are one of the sources of income of the public treasury.

Foreigners as well as natives can now purchase these lands at the insignificant rate of from twenty to forty cents per acre, according to their quality and the kind of wood which they contain; but they may even be obtained by the former without the payment of any money whatever. The people of Nicaragua, being well aware of the advantages consequent upon immigration, have taken various measures to promote it, among which may be mentioned the passage of the law of March 10, 1865, in relation to land-grants. Even if the republic had not, on sundry occasions, furnished incontestable evidence of its liberality, and of its earnest desire to place itself in contact with the most advanced civilization, this law alone would be sufficient to prove to the whole world that selfishness has no hold upon the Nicaraguan people. The law in question authorizes the government to grant to any family (of whatever nationality) coming to the republic with the intention of becoming naturalized, as many as one hundred and

twenty *manzanas** of public land, such families being, moreover, entitled to use the lands of communities on the same terms as natives of the country. The same law exempts the immigrant for ten years from municipal service, and from the performance of military duty. There is no tax on property in Nicaragua.

VIII.—I now pass on briefly to sketch the distinguishing characteristics of the proposed Nicaragua Canal in relation to its practicability as regards the work of the engineer, and the expectations of the capitalist, since the necessity of a ship-canal through one of the isthmuses of America is a question which no longer admits of debate.

IX.—It is very noteworthy that throughout the route proposed for the construction of the canal in Nicaragua, the maximum depth of the cut is so small that the terrible bug-bear of a tunnel is entirely eliminated.

The difficulties and dangers connected with such a work would be incalculable.

The exceptionally great width and height of such a subterranean passage, the quantity of timber that would be required even to begin the construction of so vast an arch, the enormous cost of the entire work, and, finally, the damage to which it would be liable from the formation of fissures and from the considerable filtration produced by the tropical rains, are obstacles of such magnitude that, were it necessary to overcome them, their influence in the scale of probabilities would be decidedly adverse.

X.—That inexhaustible body of water, the great lake to which I have alluded, is no less remarkable, situated as it is at the highest point of the route, and yet at such an elevation above the level of the oceans that the descent will be very gradual.

The supply of water, in all plans for an interoceanic canal to cross the American continent, has perhaps always been the most important problem, a satisfactory solution of which has never been found. The combinations which have been proposed, in order to supply this great want, have been very complicated, involving heavy outlays of money, exhausting the resources of the engineer, and utilizing every available drop of water to form a reservoir at best but scanty and badly situated.

In Nicaragua this work is done, and on a grand scale, as nature alone could have done it. Not even the slightest effort on the part of the engineer is required there, and there is sufficient water not only for one but for thirty canals.

Besides, the dimensions of that lake and the other advantages which it possesses make it, as I have already remarked, the true harbor of the canal. This circumstance lessens very considerably the importance of the harbors required by the work, and reduces them, so to speak, to mere points of entrance having the required width and depth. On the Atlantic side this fact is more conspicuous. At a distance of six miles from the coast, following the line of the proposed canal across an almost level section of country, is found Silico Lake, which is thoroughly sheltered from the winds, and the water of which is drinkable. It has a surface of two square miles, and a depth at present of sixteen feet, with a muddy bottom. Not a single lock would be needed between this lake and the ocean.

XI. The subject of locks, in the estimates for the great work, is also one which has perplexed the engineer on all the isthmuses which have been explored. In some localities an exorbitant number is proposed, thus impeding the general traffic; in others, the limited space in which they are to be constructed requires complicated, expensive, and probably dangerous combinations.

In Nicaragua the insignificant elevation of the great lake above the level of the oceans simplifies this problem amazingly. Scarcely ten locks, of a moderate height, would be required to effect the ascent or descent of one hundred and six feet, which is the difference between the highest and the lowest part of the canal. Another very favorable circumstance for these locks is that they can be located on a right line, in advantageous situations, and at great distances apart, the difficulties being thus avoided which would naturally arise from the close proximity of such works.

XII. The prevailing winds are also of capital importance as regards the canal. Science will one day, perhaps, invent some means of locomotion as rapid as steam and as cheap as sails, which will almost neutralize this importance. Meanwhile, we cannot overlook the advantages which that element offers to the immense traffic in productions of prime necessity.

Calms, which are often so detrimental to the progress of sailing-vessels, are unknown on the coast of Nicaragua—a very different state of things from that which is observed on some of the neighboring coasts. In the Pacific, from the Gulf of Fonseca to Salinas Bay, and in the Atlantic, from Cape Gracias to the mouth of the San Juan, the winds never cease to blow. A vessel could enter and leave the canal in those regions at any season of the year without being subjected to any delay on account of calms.

The sagacity of the speculator and the intelligent eye of the navigator cannot regard so notable an advantage with indifference.

XIII. The canal via Nicaragua has among its other advantages, some of which I have mentioned, the no less important one of short distances, which so sensibly affects the interests of North America especially.

* The *manzana* is a square containing 92 yards on each side.

It is well known that the commerce of South America is carried on mainly with Europe and the United States, and to the nations of that part of the globe it is almost a matter of indifference whether their vessels pass through the Isthmus of Darien, Nicaragua, or Tehuantepec. They can have no very marked preference for any one of these routes. This is not the case with the northern portion of the continent, on whose Pacific coast there is so ardent a desire for rapid communication with that of the Atlantic.

The Isthmus of Tehuantepec, so far as distance is concerned, possesses, perhaps, the most favorable conditions for those regions; but the plan of uniting the two oceans through this isthmus has been abandoned. Its impracticability is too notorious; and, it being laid aside, the Nicaragua canal will offer the most speedy communication to the entire population of North America.

Comparing this route with that via the Isthmus of Darien, we find that, for a vessel sailing from any point on the Pacific coast north of Nicaragua, and bound to any point on the Atlantic coast north of that republic, the voyage by the former route will be at least eight hundred miles shorter. The distance thus economized represents an average saving of four days, with a corresponding avoidance of risks and expense.

Although the liberal character of the people of the United States leaves no ground for the supposition that they take so deep an interest in the accomplishment of this enterprise from merely selfish motives, it is very natural that the interests of their commerce should exercise a controlling influence upon their choice, and that they should prefer the route best calculated to promote those interests.

Immigration and railroads are developing the production of this country so prodigiously, and its coastwise traffic is so considerable, that the necessity is felt of giving to this great movement a wider field, by laying open to it a broad navigable channel across the continent.

XIV. It remains for me to give some idea of the cost of the work, and of the relation which such cost would bear to the benefits to be derived from it. In so doing, I shall base my statements upon the estimates made by the most recent expeditions which have explored the Isthmus of Nicaragua, and upon some abridged statistics of the commerce of certain parts of the world.

The important labors of the expeditions referred to, which were organized by the Government of the United States, were performed with the most scrupulous care. The high character of the gentlemen who composed them is a guarantee of the reliability of their assertions.

The entire length of the proposed canal, from ocean to ocean, is one hundred and eighty-one miles. It is intended that it shall be one hundred and fifty feet wide, and twenty-six deep. Deducting from the above length fifty-seven miles of sailing through the lake, and sixty-three through the San Juan River, there remain but sixty-one miles of canal, properly so called. The average depth of the cut between the lake and the Pacific will be thirty feet; between the lake and the Atlantic it will be one foot and seven-tenths.

The construction of the work requiring neither a tunnel nor the formation of a deposit of water, the length of the purely artificial canal being so limited, and considering the small number of locks, the cost of improving ports, and of accessory labor of less importance that will be required, I think I hazard nothing in saying that the estimate of \$65,000,000 made by these expeditions as the total cost, is a close approximation to the truth.

This outlay, which is by no means exorbitant for an enterprise of such transcendent importance, will be diminished to the amount of several millions by a more detailed location of the proposed line, by the value of the lands which Nicaragua has always been disposed to grant in favor of the canal, with the mines and other natural wealth which they contain, and by the sums with which she would now aid the immediate improvement of navigation in the San Juan River.

At such small cost, the undertaking must be a financial success.

Even supposing the amount required to be double the above estimate, the commerce of the world would insure a remunerative interest. The Suez Canal, the cost of which cannot be placed at less than \$100,000,000, whose success was so long a matter of dispute and whose importance will undoubtedly always be inferior to that of the American canal, is now an enterprise whose future success is assured.

The distinguished Professor J. E. Nourse, of the United States Naval Observatory, in his pamphlet published in 1870, in relation to the Suez Canal, says, in comparing it with the American one:

"The probabilities are that a canal here would even far surpass in value that of Suez. It will be not for Southern Europe only, or for Asia, or coast-bound Africa only; but for the world's trade." He adds that if the isthmus of Suez is "the center of the old continent, the other is the center of the great ocean, the Atlantic-Pacific; of the water as well as of the land of our globe."

Speaking of the revenue of the Suez Canal, he says: "Within the past twenty years

the steam marine of England has increased 417 per cent.; that of France 613 per cent.; and that of Austria 637 per cent.

"The commercial returns of exports and imports for the Chinese Empire for the year 1855 were 281,000,000 francs; for the year 1868 they were 1,120,000,000 francs.

"The number of vessels entered and cleared in 1865 was 1,527, tonnage 529,222; and in 1868 was 14,075, tonnage 6,318,503.

"The Suez Canal Company, taking as their base the annual tonnage of Liverpool at six millions, Marseilles at five, and the trade around the Dardanelles and Black Sea at six millions, expect six millions as the minimum through the canal, and a gross receipt of 60,000,000 francs."

Admitting these data, and in view of the success of the Suez Canal, the approximate cost of that of Nicaragua being known, together with the superiority of its importance to that of the former, and not forgetting that the increase of trade is always in a direct ratio to the greater or less facility of communication, we cannot believe that the accomplishment of the project of an American interoceanic canal is longer to be delayed.

EMILIO BENARD.

WASHINGTON, June 20, 1874.

Documents.

REPUBLIC OF HONDURAS, MINISTRY OF FOREIGN RELATIONS,

Comayagua, April 16, 1874.

SIR: I have had the honor to receive your note, in which you were pleased to inform this government that the United States steamer Gettysburg anchored in the bay of San Juan del Norte on the 7th ultimo, having on board a new expedition commissioned to explore the isthmus of Nicaragua, and composed of distinguished American civil engineers, sent by the scientific commission at Washington for the express purpose of deciding upon the route to be selected for the great work of the interoceanic canal, stating that, according to all the information received by you, the decision of the expedition would be in favor of Nicaragua, and, in conclusion, urging the government of Honduras to instruct its representative at Washington to use his best efforts to bring about such a solution of this important question as should be favorable to the interests of Central America.

The Citizen President, to whom I have communicated the contents of your aforesaid note, has instructed me to assure the government of Nicaragua of the very deep interest which is felt by the government and people of Honduras in the accomplishment of that greatest and most important work of the age, which will at once change the face of Central America. Although Honduras has as yet no representative at Washington, it will make a point of accrediting an envoy extraordinary, if the government of Nicaragua shall think proper, to the end that the question of the canal may be settled in a manner calculated to promote the interests of Central America.

With the highest consideration, I have the honor to be your excellency's very obedient servant,

ADOLFO ZUNIGA.

His Excellency the *Minister of Foreign Relations of the Republic of Nicaragua.*

MINISTRY OF FOREIGN RELATIONS OF THE REPUBLIC OF SALVADOR,

San Salvador, April 8, 1874.

SIR: I have received your excellency's esteemed note of the 23d ultimo, whereby you were pleased to inform my government that the United States steamer Gettysburg anchored in the bay of San Juan del Norte on the 7th ult., having on board a new expedition commissioned to explore the isthmus of Nicaragua, which, after ascertaining certain facts, is to join another expedition under the command of Captain Selfridge, the latter being under orders to re-examine the Atrato Napipi route, across the Isthmus of Darien.

His excellency the President, to whom I have communicated the contents of your excellency's note, has directed me to say to you, in reply, that he is much gratified at the arrival of these expeditions, and that he earnestly hopes that their reports may induce the commission at Washington to decide in favor of the route via Nicaragua.

As your excellency is well aware, such a decision would be highly favorable to the interests of Central America; instructions are therefore this day communicated to the minister of Salvador at Washington to act in this matter entirely in harmony with the representative of your government.

With the highest consideration, I have the honor to subscribe myself,

Your very obedient and faithful servant,

M. BRIOSO.

The Minister of Foreign Relations of Nicaragua.

DEPARTMENT OF FOREIGN RELATIONS OF GUATEMALA,
Guatemala, April 16, 1874.

SIR: I have this day addressed the licentiate Don Vicente Dardon, minister plenipotentiary and envoy extraordinary of this republic in North America, sending him a copy of the esteemed note of your department, dated the 23d ultimo, and instructing him to do all in his power in favor of the Nicaragua canal, in conjunction with the representative of your country.

In having the honor to state this to your excellency for the information of the Chief Magistrate of your republic, I am happy to subscribe myself,

Your obedient and faithful servant,

MARCO A. SOTO.

The Minister of Foreign Relations of Nicaragua.

No. 127.

Mr. Fish to Señor Benard.

DEPARTMENT OF STATE,
Washington, September 16, 1874.

SIR: I have had the honor to receive your note of the 14th instant, and have been gratified by the elevated sentiment which it expresses in regard to the subject of a ship-canal, from ocean to ocean, through Nicaragua. It is a matter of regret that the decision of the subject of those officers of this Government, to which you refer, should not have been made known prior to your return to your country. The cause of that return is much to be lamented. The good wishes of this Government will accompany you.

Your wish in regard to the pamphlet which accompanied your note will be complied with.

Accept, sir, &c.,

HAMILTON FISH.

C H I L I.

No. 128.

Mr. Logan to Mr. Fish.

No. 16.]

LEGATION OF THE UNITED STATES,
 SANTIAGO DE CHILI,
September 25, 1873. (Received November 4.)

SIR: I regret to inform you that, although the treaty of 1866, between Chili and Bolivia, was intended to settle the entire boundary dispute between those republics, it has not done so. You will, doubtless, remember, by the terms of the treaty referred to, the twenty-fourth parallel of fourth latitude was the dividing-line agreed upon, but that the minerals, guanós, &c., lying between the twenty-third and twenty-fifth degrees were to be the common property of the two countries, and the profits arising therefrom were to be equally shared by each.

Within the past few years, disputes have again arisen, Chili charging that Bolivia has usurped an unfair proportion of the gains; and the subject has formed the basis of considerable diplomatic discussion between the representatives of the two governments.

A short time since, at an informal interview between the minister of foreign relations of Chili and myself, that gentleman informed me that a proposition to arbitrate the matter in dispute, involving the award of a certain compensatory amount to Chili, should it be determined she was entitled to any, had been submitted to the Bolivian government; that it was probable the proposition would be agreed to, and I was asked by the minister if I would consent to have Chili name me as arbiter, should the proper time for so doing arrive.

I replied, that while it was a traditional policy with my Government to observe the strictest neutrality in the hostile operations of nations, yet that its character as a peacemaker was no less marked; that, while it would not engage in war, except in defense of its own rights and the indisputable general interests of humanity, there was scarcely any length, in honor, it would not go, to preserve the peace of the world and advance the prosperity and happiness of the nations; that, as the willing representative of my country in sentiments such as these, it would afford me much gratification, should the occasion present itself, to render whatever of service might lie in my power and ability to reflect this benign and settled policy of my Government. The minister thanked me cordially, and the interview ended.

The whole matter is, as yet, *in limine*, and of course its present publicity would be premature; but I think it proper to advise you thus early of my action in the premises, trusting it may meet your approval.

I have, &c.,

C. A. LOGAN.

No. 129.

Mr. Logan to Mr. Fish.

[Extract.]

No. 25.]

LEGATION OF THE UNITED STATES,

SANTIAGO DE CHILI,

November 10, 1873. (Received December 18.)

SIR: Under cover of this dispatch I transmit a copy of a note from the minister of foreign relations, and also a copy of my reply to the same. The note of the minister is important as containing declarations in reference to the passage of the Straits of Magellan, which it will be well to have upon record for possible use in the future.

The debate upon the boundary question between Chili and the Argentine Republic has been very protracted, and somewhat bitter in its nature. There seems now to be but one resource left the parties, which is to submit the whole matter to arbitration. Chili is quite ready for this measure, but the Argentine has not, as yet, consented to the proposition.

During a recent interview with the minister of foreign relations the subject was incidentally discussed; and, if an arbitration is agreed upon, it is more than probable Chili will name President Grant as the arbiter, which selection will, doubtless, be ratified by the other party.

I have, &c.,

C. A. LOGAN.

[Inclosure 1 in No. 25.—Translation.]

Señor Ibañez to Mr. Logan.

SANTIAGO, October 26, 1873.

SIR: By the publication of the diplomatic documents which are attached to the memorial presented by this department, in the present year, to the national congress, of which memorial I had the honor of transmitting a printed copy to the legation over which you preside, you will have informed yourself of the question of limits which my government is debating with the Argentine Republic, claiming a better-founded right to the Straits of Magellan and adjacent territory, as also the extensive region known as Patagonia.

You may also have observed that, as shown by the documents, Chili took possession of the straits and surrounding territory in the year 1843, having remained up to this time in their peaceable occupation, and has rendered practicable the navigation of that internal sea which for centuries has presented insuperable obstacles to the transit of vessels. These obstacles have now disappeared almost entirely, through the expenditure of money and many sacrifices by my government.

As the debate upon the question is nearly exhausted, rendering it apparent that it must be decided or brought to an end by the arbitration of a friendly power, in case it may be impossible to arrive at a satisfactory arrangement between the interested governments, it appears to the government of Chili that the opportune moment has arrived to declare to the nations of the world, with whom Chili is in amity, what are its intentions in relation to the navigation of the straits, both in the present and future, and to promulgate its right to the straits and the territory it claims.

By order, then, of his excellency the President of the republic, I am instructed to inform you, to the end that you will be pleased to transmit the same to the Government of the United States, that Chili has always, as now, maintained the desire that the navigation of the Straits of Magellan may always be free for the vessels of the world without pretending to subject them to any other tolls or contributions than those indispensable for the maintenance of light-houses and the securing of safety to navigators.

My government also wishes to maintain the neutrality of the straits in case of the remote and improbable event of an exterior war, in such manner that, not even in this contingency shall there be allowed to be imposed upon the navies of the world any other limitations to their transit than may be required in time of peace.

In order to give to this declaration all the force and consistency demanded by the interests of commerce, there will be procured such legislative enactment as the case may require.

My government flatters itself with the hope that these measures, so much in harmony with the liberal institutions of the republic, will be considered by the Government that your excellency represents with such dignity, as a new proof of the desire with which it is animated to strengthen the good relations binding us to it, and as a sufficient pledge of security that these relations shall never suffer any prejudicial change.

I embrace the opportunity to offer your excellency the expression of the sentiments of high consideration with which I have the honor to be,

Your obedient servant,

ADOLFO IBÁÑEZ.

His Excellency Señor DON CORNELIUS A. LOGAN, &c.

[Inclosure 2 in No. 25..]

Mr. Logan to Señor Ibañez.

LEGATION OF THE UNITED STATES,
Santiago, November 7, 1873.

SIR: I have the honor to acknowledge the receipt of your excellency's note, bearing date October 26, 1873, relating to the matter of dispute between Chili and the Argentine Republic, and declaring the intentions of your government in reference to the passage of the Straits of Magellan by the vessels of the world in times of peace and war. In response to your expressed desire, I have transmitted a translated copy of your interesting note to my Government which I can assure your excellency will be received with much pleasure and satisfaction, as constituting additional evidence of the high liberality and enlightened policy of the government of Chili.

I sincerely trust the question at issue between the two governments may be satisfactorily settled, and that Chili may receive every rod of territory she is equitably entitled to. Her rapid progress in all of the requirements of an advanced humanity have

won for her the respect and good feeling of the best governments of the world; and, upon behalf of my own, I tender its moral aid and sympathy in every worthy effort looking toward the general peace and harmony of the nations.

Permit me to embrace the opportunity to renew the assurances of high consideration, with which I have the honor to remain,

Your excellency's obedient servant,

C. A. LOGAN.

HON. ADOLFO IBÁÑEZ,
Minister of Foreign Relations.

No. 130.

Mr. Logan to Mr. Fish.

No. 33.]

LEGATION OF THE UNITED STATES,
SANTIAGO DE CHILI,

December 13, 1873. (Received January 19, 1874.)

SIR: In my dispatch No. 16, I had the honor to inform you of the request made by the minister of foreign relations that the undersigned should act as arbitrator in the matter of the boundary dispute between Chili and Bolivia, and of my assent thereto, conditioned upon the approval of my Government. Since then a convention has been concluded between the representatives of the two governments, in which the name of your representative in Chili is agreed upon as the arbitrator; which convention, it is expected, will ere long be ratified by the parties in interest. A few days since, Mr. Ibañez, informing me of this fact, inquired if I had had any response to my request, to which I replied there had not elapsed a sufficient time; that I had little doubt it would be granted, as it was the policy of my Government to cultivate relations of amity and good will with all nations; and, cherishing such sentiments to a marked degree toward Chili and Bolivia, it would doubtless render them any assistance it might be able to settle their differences peacefully, and that, unless some obstacle existed of which I had no knowledge, they need have no uneasiness about it.

I await your official sanction, however, before formally accepting the trust.

I am, &c.,

C. A. LOGAN.

No. 131.

Mr. Logan to Mr. Fish.

[Extract.]

No. 35.]

LEGATION OF THE UNITED STATES,
SANTIAGO DE CHILI,

December 27, 1873. (Received February 5, 1874.)

SIR: I have the honor to acknowledge the receipt of your dispatch No. 19, having reference to my own dispatch No. 16, in which the information of the request of the Chilean government that the undersigned should act as arbiter in its dispute with Bolivia is conveyed to you.

The impression made upon you that I had purposed accepting the

trust without the consent of my Government surprised me, and I referred to my dispatch at once for the purpose of noting its exact language. A careful rereading of the dispatch, which I remember was hastily written, in order to be on time to catch a closing mail, has shown me its incompleteness, and the just cause for your misapprehension. I beg you to believe, however, that nothing was further from my intention than doing an act so unbecoming my official position.

The matter at that time had been only broached, and I advised you of it at once, in order to put you in the earliest possession of information as to the progress of affairs in this part of the world, as well as to allow ample time for the arrival of the sanction to your representative, permitting him to act as arbiter "should the proper time arrive;" which sanction I *intended* to ask in the concluding line of the dispatch. This is very obscurely done, as I now see; but as it is my custom in writing to rather prefer too great prolixity than encounter the risk of want of perspicuity, I trust you will overlook the error.

What my real intention was, and what the answer I gave the minister, may be seen clearly by the following language contained in my dispatch No. 33, dated December 13:

In my dispatch No. 16 I had the honor to inform you of the request made by the minister of foreign relations that the undersigned should act as arbiter in the matter of the boundary dispute between Chili and Bolivia, and of my assent thereto, *conditioned upon the approval of my Government.*

And again: "*I await your official sanction, however, before formally accepting the trust.*"

I greatly regret that the mistake should have occurred, but I hope this explanation will rectify any false impression my dispatch may have produced.

* * * * *

I have, &c.,

C. A. LOGAN.

CHINA.

No. 132.

Mr. Low to Mr. Fish.

No. 276.]

LEGATION OF THE UNITED STATES,
Peking, July 19, 1873. (Received September 19.)

SIR: Referring to your dispatch No. 105, of November 13, 1872, enclosing the translation of a note from Colonel Freyre, the minister of Peru, informing you of the proposed appointment of a diplomatic mission to China and Japan, to negotiate treaties of amity and commerce with their rulers, and directing me to afford the Peruvian envoy whatever aid I could in carrying out this object, I have now the honor to inform you that, since the receipt of this dispatch, I have received notice from Señor Garcia, charged with this mission to these countries, of his arrival in Japan and successful conduct of his negotiations with the court at Yedo, and his speedy departure from thence to Peking. (Inclosure No. 1.)

In compliance with his request, I made known his expected arrival to the Chinese government, of which fact the envoy was duly informed. (Inclosures 2 and 3.)

The following day the prince replied to my note in the most decided manner, declining to negotiate any treaty with Peru until she vindicated her reputation in the treatment of Chinese subjects taken there as laborers. (Inclosure No. 4.) In this dispatch he alludes to the documents sent to him by Mr Browne (see his dispatch No. 29, June 3, 1869) and by Mr. Williams, (see his dispatch, No. 78½, July 26, 1871,) and to information from other sources, to fortify his position in declining the proposal to negotiate.

A translation of the prince's dispatch has been sent to Señor Garcia, so that he may have proper information to direct his future movements in such a conjuncture.

There is little doubt that the treatment of Chinese laborers in Peru is such as to justify the rulers of this empire in preventing their subjects from entering into contracts for labor in that country.

I will keep you carefully informed of the further proceedings of the two parties in this interesting discussion.

I have, &c.,

FREDERICK F. LOW.

[Inclosure 1 in No. 276.—Translation.]

Señor Garcia to Mr. Low.

LEGATION OF PERU IN CHINA AND JAPAN,
Yeddo, June 15, 1873.

SIR: I have the honor to address your excellency the present communication in reference to the mission which my government has intrusted to me in the empire of China, and in anticipation of my approaching journey to that capital.

Your excellency will remember that in the year 1870 the Peruvian government, being desirous to enter into treaty relations with China and Japan, and not finding it convenient to immediately send out a legation, invoked the friendly relations of the United States, and begged the American Government to instruct their ministers at Peking and Yeddo to represent Peru until such a time as the republic could dispatch a mission. On the 10th of May of the same year General Hovey transmitted to the minister of foreign affairs, at Lima, the answer of the Secretary of State, acceding to our request, and advising him that your excellency and Mr. DeLong had been so instructed.

Two years afterward, in August, 1872, his excellency Señor Don Manuel Pardo, having inaugurated his liberal administration, one of his first cares was to attend to the very important interests of Peru in China, with which country he had constant intercourse for upwards of thirty years. President Pardo, in consequence, appointed the undersigned his envoy extraordinary and minister plenipotentiary in China, with the objects of concluding treaties of amity, commerce, and navigation, and regulating, on bases mutually convenient, protective of persons, and similar to those adopted by other nations, the emigration of Asiatics to Peru.

When this legation was to be appointed the Peruvian government advised the Government of the United States of it, and of the purposes of the mission, and also requesting that the American representatives in Peking and Yeddo might extend their good offices to it upon its arrival, in commencing it, and lending such other friendly assistance as the occasion might require. To this request the American Government also assented most gladly, and the honorable Mr. Fish advised Colonel Freyre that instructions had been given to that effect.

Your excellency may already have heard of my arrival in Japan, and of the very flattering reception with which the Peruvian mission was honored by His Majesty the Tenno. I am happy to be able to state to your excellency that the opportune and friendly action of his excellency C. E. DeLong, minister of the United States at this court, has contributed in a most efficient manner to bring about that result and to facilitate my work with this government.

In addressing your excellency this dispatch, I am convinced that the representative of the American Union at Peking is animated by the same friendly sentiments toward Peru which have on all occasions been shown to her by the great republic; and, although I cannot yet fix the day of my departure for China, as it is not remote from this date I beg to express the hope that your excellency will please announce my approaching arrival to the Chinese government, and will endeavor to incline that government favorably to my legation, conveying to their mind the very friendly spirit in which it comes, the importance of its objects, and bringing to their knowledge the

fact that the government of Peru has just enacted a new code of regulations for the protection of Chinese emigrants, making it impossible that they should be subjected to any abuses, which my government has always condemned and endeavored to punish; and at the same time assuring them all the rights which the constitution and liberal laws of the country guarantee to all foreigners in their persons and property.

For these good offices allow me to give your excellency my government's and my own anticipated thanks, which it is my earnest hope to be able soon to express personally to your excellency.

Begging you to please send your answer to the American consulate at Shanghai, with instructions that it be kept for me there, I have the honor to assure your excellency of my highest regard and most distinguished consideration.

AURELIO GO Y GARCIA.

[Inclosure 2 in No. 276.]

Mr. Low to Señor Garcia.

LEGATION OF THE UNITED STATES,
Peking, July 5, 1873.

SIR: I have had the honor to receive your excellency's communication of the 15th ultimo, informing me of your appointment as minister plenipotentiary from Peru to Japan and China, and stating that it is your intention to shortly visit Peking for the purpose of negotiating a treaty of amity and commerce with China.

Some months since the honorable Secretary of State of the United States notified me that the government of Peru was about sending a mission to China, and authorized me to use my good offices toward enabling it to accomplish the object for which it would be sent.

I have now the honor to inform you that, in compliance with your request, I have addressed a note to Prince Kung, notifying him that a Peruvian mission would shortly reach China, and stating in general terms the objects which your government desires to accomplish.

If you find that my good offices will be of service to you in any way, I beg that you will command me.

I have, &c.,

FREDERICK F. LOW.

[Inclosure 3 in No. 276.]

Mr. Low to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, July 5, 1873.

SIR: Some months since my Government informed me that the government of Peru was about to send a mission to Japan and China, with a view of concluding treaties of amity and commerce with those countries. I was at the same time instructed to render the Peruvian envoy such assistance as I could consistently with my other duties.

I have just received a letter from the Peruvian envoy, stating that he is about leaving Japan for China, and requesting me to inform your Imperial Highness of the fact. He further requests me to say that it is his wish to conclude a treaty between his country and this empire similar to those already existing between China and the chief western powers.

In communicating this to your Imperial Highness, I take the opportunity to express the hope that the mission will be received in the same spirit which animated Peru in sending it, and that nothing will occur to prevent the conclusion of a treaty which will be advantageous to both countries.

I have, &c.,

FREDERICK F. LOW.

[Inclosure 4 in No. 276.]

Mr. Low to Señor Garcia.

LEGATION OF THE UNITED STATES,
Peking, July 17, 1873.

SIR: Referring to my dispatch to your excellency of the 5th instant, inclosing a copy of my letter to Prince Kung, which I trust you have already received, I have now the

honor to send you a reply received from his Imperial Highness. In this dispatch you will see that the Chinese government declines to enter at present into any negotiations with you as the representative of Peru, and base their reluctance wholly on what they have heard as to the treatment experienced by their countrymen in Peru. Though the high officers in Peking have probably no knowledge by personal inquiry among Chinese who have returned home, of the truth or otherwise of the rumors which are current in the southern provinces in respect to the condition of those laborers who have been taken to Peru during the past twenty-five years, still the documents referred to in Prince Kung's dispatch, purporting to have been written from Lima, which were sent to him from this legation in 1869 and 1871, have furnished the statements, and done much to form the opinion upon which he now bases his reasons for declining to negotiate.

These representations have been strengthened by the fact that so few laborers have ever returned from Peru in comparison to the number who have gone there, and so little can be ascertained as to the actual condition of those still remaining.

Under these circumstances it would be an act of humanity befitting the dignity of a Christian nation to furnish the Chinese authorities with the most explicit and reliable information, so as to disabuse them of any erroneous impressions they may now have upon this matter. Their own opportunities for learning the truth are not many, and a full knowledge of the matter might initiate a free emigration to Peru, like that to Siam and the United States, or Australia, which would supply her with cultivators and artisans to a great extent.

The decided and rather curt tone of the prince's reply will perhaps excite surprise, and is most reasonably accounted for by the present discussion upon the coolie emigration to Cuba with the Spanish chargé d'affaires.

I have, &c.,

FREDERICK F. LOW.

[Inclosure in 4 in No. 276—Translation.]

Prince Kung to Mr. Low.

TUNGCHI, 12th year, 6th moon, 12th day, (July 6, 1873.)

Prince Kung, chief secretary of state for foreign affairs, herewith replies:

I had the honor of receiving your excellency's communication of yesterday, in which you inform me that you had been honored with a dispatch from your Government, stating that a Peruvian envoy was already on his way to negotiate treaties of commerce with Japan and China, and directing you to assist him as far as lay in your power whenever he reached Peking, adding that you had just received a letter from the envoy himself intimating his speedy departure from Japan, and requesting you so to inform the Chinese government, &c.

I may here observe that, during the ten and more years which have passed since China has made treaties with other countries, that mutual good-will has been shown by all parties; and now that Peru proposes to enter into treaty relations also, and has applied for the good offices of your excellency to aid her, it is reasonable to admit her proposal without demur.

But the manner in which that country has acted toward China is so different from the conduct of other nations, that she cannot be regarded in the same light, and I am obliged to enter into some details to explain it to your excellency.

The only traffic which Peru has heretofore carried on is getting coolies and carrying them away, so that there are now several myriads of Chinese in that land. These people are treated with such injustice and cruelty, and suffer such extreme misery, that it cannot be adequately made known.

In June, 1869, Mr. Ross Browne, the United States minister, informed me that the Chinese laborers in Peru numbered more than thirty thousand, and that they had presented a remonstrance against the harsh treatment of their Peruvian masters to the resident American minister then at Lima, in which they complained of the unbearable nature of their wrongs, and he (Mr. Browne) expressed his willingness to aid in whatever way he could to relieve them.

Again, in July, 1871, Mr. Williams made a communication upon this subject, and proposed that stringent orders should be sent to the provincial authorities in Kwangtung to issue a proclamation restraining the people from accepting contracts for labor in Peru. This government has also heard from other sources of the harsh treatment of Chinese laborers by the Peruvians, who never stop their oppression till death ends it, and whose plan is just to sell human flesh for money. The evidence of their barbarous dealings with the coolies is plain and explicit, and this government has no desire to make a treaty with that country.

But seeing that your excellency has been asked to act in this matter between us,

this government considers that it will not be meet to repel the Peruvians too harshly or finally, but they ought to be plainly informed that until they return all the coolies to their own country and agree not to hire any more, no treaty can be made with them. If they decline this, it will be impossible to enter into any arrangement with them.

I have ever found that your excellency clearly understands the relations of things, and I am therefore confident that in this decision I have not overpassed the rules of propriety, and you will also agree with me.

No. 133.

Mr. Williams to Mr. Fish.

No. 2.]

LEGATION OF THE UNITED STATES,
Peking, August 26, 1873. (Received October 23.)

SIR: Referring to your dispatch No. 132, addressed to Mr. Low, and inclosing an address in English from the Chinese living at Quito, purporting to be written by one John Williams, to Mr. Wing, asking for the protection of the United States against those who ill-treat them, and giving directions to bring their complaint before the proper authorities, with a view to some remedial action, I now beg to reply that it would be very difficult to do so from these papers with any prospect of good to the Chinese in Ecuador. The original Chinese text should have been sent from Quito, as was done in the case of the petition from Peru, in 1869, and then its presentation to the high authorities here, with such explanations as were necessary to its full understanding, would have left them free to act. As it is, I have no evidence to bring that the Chinese there need relief, nor have the officials any clear notion of what they ought or are expected to do in the premises. While they have a general idea that their countrymen are much misused in all South American countries, and that it is incumbent on them to do something for their protection, they still feel their impotence to do aught effectual, and at present are content to do nothing; nor do I see what direct steps they could take with any prospect of relieving the wrongs complained of by their subjects living abroad in that part of the world.

However, the appeal of these poor Chinese for help can be made in a measure beneficial if their petition be sent here in its original form, or one be drawn up designed for presentation to their own rulers, which will state in detail the causes of complaint. I should look for some good then to result, and the authorities be led to see better their own responsibilities, which in all such cases they have always been very willing to shift on others.

With these explanations, I shall await your further directions in this affair.

I have, &c.,

S. WELLS WILLIAMS.

No. 134.

Mr. Williams to Mr. Fish.

No. 9.]

LEGATION OF THE UNITED STATES,
Peking, November 6, 1873. (Received January 23, 1874.)

SIR: Referring to Mr. Low's dispatches of June 24 and 26, 1872, (Nos. 166 and 167,) in relation to the subject of coolie emigration, and more particularly to his recent one of June 3, 1873, (No. 261,) about the dis-

cussion between the Spanish chargé d'affaires and the Chinese government, growing out of their prohibiting the emigration of Chinese laborers to Spanish colonies, I have now the honor to transmit for your information several papers explaining its course and results.

The controversy has been dragging along rather slowly since the date of Mr. Low's dispatch, but has now come to a pause by the suspension of diplomatic relations between M. Otin and the Yamun.

In Mr. Low's dispatch he states that "it was finally agreed that their differences should be submitted to the ministers of Russia, Germany, England, France, and the United States, jointly, and that the decision of a majority shall be final and conclusive." This conference was held at the Russian legation on the 1st of August, continuing four hours, and M. Otin was heard at length upon his complaint.

Previous to this date he had also fully made known his views in conversation and letters, and I inclose a copy of a letter addressed to this legation, from which you can learn the manner of his argument. (Inclosure 1.) The reference in the second paragraph to an order from a planter in Cuba, received by his agent in China, requiring him to procure three thousand laborers to work his plantation there, is the index to the spirit of the document. In it he refers to the "officious reports of some consuls in Amoy," making his own explanations, and entirely ignoring the treatment of tens of thousands of coolies taken from China to Cuba before 1869, and disputing the right of the Chinese government to complain of that ill-usage, and suspend the fulfillment of the treaty until it can be investigated.

The article on which the claim is founded reads as follows :

ARTICLE 10. The imperial authorities will permit those Chinese subjects who may desire to go abroad as laborers in Spanish possessions to enter into contracts with Spanish subjects, and to embark alone or with their families at the open ports of China. The local authorities acting with the representative of Her Catholic Majesty in each port shall make the necessary rules for the protection of the said laborers. It is forbidden to take deserters and people who have been taken against their will. In such cases the local authorities can claim from the consul the restitution of the individual.

In carrying out this article the native authorities require conformity to the code of emigration rules issued in 1866.

In view of the approaching conference and arbitration the Yamun addressed two circular notes to the foreign ministers, containing the two points on which they desired categorical replies, in order to know somewhat the ground they stood on. In my reply I urged the appointment of the proposed commission of inquiry into the past and present condition of the Chinese in Cuba, as the only satisfactory means of arriving at the facts. (Inclosures 2, 3, 4.)

The conference was held at a juncture which quite prevented me from attending it, without such risk to my health by exposure to the sun as I was unwilling to run. I had met all my colleagues, too, at the Russian minister's office two days before, and our views generally coincided; M. de Geofroy, the French minister, was also unable to be present himself. It was a step in advance on the part of the Chinese officials, and an homage to the power of public opinion. Prince Kung was not there. No protocol was drawn up at the meeting, but I have obtained from the German chargé d'affaires his summary of the points agreed upon, of which he has kindly furnished me a translation :

1st. The Chinese government to send one or more delegates to the island of Cuba, in order to investigate the condition of the Chinese subjects settled in that place.

2d. The Spanish government to be at liberty to take part in this investigation, by appointing agents of its own.

3d. With a view to an impartial inquiry and investigation of the real facts, the rep-

representatives of Russia, Great Britain, France, and Germany, who have taken part in this conference, will lay before their respective governments the request of the Chinese government, that the representatives of the said four powers residing at Havana may be instructed to advise and assist the Chinese delegates if necessary. The Chinese government can apply to the representative of the United States with a similar request.

4th. Both parties to be at liberty to apply again to the representatives of the leading powers at Peking for further decision regarding this matter.

The Spanish chargé agreed to these stipulations, and it would have saved much useless discussion if all present had signed a paper containing their views of the agreement. However, the Chinese officials were committed to so far taking a direct interest in the well-being of their countrymen abroad as to appoint a commission; and in a few weeks the Emperor's rescript was received agreeing to the proposal, and the names of the persons composing the delegation were notified to all the legations. (Inclosures 5, 6, 7.)

The chief Chinese commissioner, Chān Lan-pin, is now in the United States, connected with the education of the students taken there by Yung Wing last year; I know nothing of his antecedents, but I infer that his being from Kwangtung Province, and knowing the dialect spoken by a large portion of the coolies, has had something to do with his selection. Mr. A. Macpherson is an Englishman, and Mr. Alfred Huber a Frenchman, both connected with the customs service, and conversant with the Mandarin dialect and the written Chinese language. They are accompanied by persons familiar with the dialects spoken at Canton, Swatow, and Amoy, whence all the coolies in Cuba were taken.

I sincerely hope that you will be able to assist this commission in carrying out its objects, either by furnishing its members with such information or suggestions as will help them, and documents bearing on the subject, congressional or otherwise; or by directing the American consul-general at Havana, and the consuls at other ports in Cuba, to assist them officially on the spot in pursuing their investigations. The idea here is, that while the Chinese commissioner acts wholly on his own instructions, and is not to be hampered or controlled by the Spanish authorities, their delegate and the five leading consuls at Havana are to act as assessors, to see that the inquiry is conducted impartially and with due regard to the rights of all parties, and the attainment of the truth. I have supplied Mr. Macpherson with the copy of the decree of O'Donnell in 1860, and the more recent law of Valmaseda, ordering the re-engagement of coolies, which formed the inclosure in your last dispatch, No. 149.

* * * * *

On the 9th of October, the day after Chān's promotion was notified he presented the draught of a protocol in five articles to the Yamun; and when it was declined as unnecessary and novel, he threw up his office as chargé d'affaires, transferring the interests of Spain to the German legation. The correspondence between the parties was transmitted to all the legations on the 24th, and I append a translation of the Prince's dispatch with its inclosure, (inclosure 8;) its moderate tone seems to show that he is sure of his position in the step he has taken of appointing the commission.

The five points stated in M. Otin's protocol were much beyond the sense taken at the conference, and the first one, if adopted, by making the whole board into a mixed commission, would have paralyzed the action of the Chinese commissioner. Yet M. Otin had the right to demand that the Chinese should definitely admit the privilege of the Spanish government to appoint an assessor, if not a colleague, with their deputy; and their unwillingness to enter into an arrangement on this

point seems to me to have been partly owing to their fear of, at the same time, binding themselves to pay an indemnity.

In this position of affairs the draught of another protocol in two articles was presented to the Yamun, on behalf of M. Otin, by the British chargé and myself, in a personal interview, and every needed explanation of its bearing given to the Chinese officials. The two articles were as follows :

1st. The Chinese commissioner to be assisted by a Spanish delegate, and the consuls of France, Germany, Great Britain, Russia, and the United States acting as assessors. No evidence to be taken unless at least three of the assessors are present, who are to have the power of cross-examining the witnesses.

2d. If the Chinese case be not proven, the question of indemnity to be referred by the Yamun and the Spanish representative in China to the ministers of France, Germany, Great Britain, Russia, and the United States resident in Peking; and the amount to be paid, (if any,) and to whom, to be settled by them.

A few days after the interview I received a note from the officials respecting it, and politely declining to adopt our proposal in adjustment of the disagreement between them and the Spaniards. In this note, after repeating the same assurance which they had given to M. Otin, that they harbored no suspicion of his motives, they added that there was nothing said in respect to a Spanish delegate at the conference, and concluded as follows :

Being apprehensive that our Commissioner Chān would be unable to carry out his inquiry thoroughly, and would on his arrival in Cuba be unacquainted with its people and usages, we therefore asked the five ministers here to give such directions to their nations' consuls residing there in respect to assisting our commission on its arrival as would further the satisfactory end of their visit. The appointment of an associate by the Spanish government to conduct the inquiry with the Chinese commissioner was not agreed upon at the conference, and it would be difficult now to add more at present, as you desire. The whole arrangement is as it is given in our reply to M. Otin, and was talked about with Mr. Wade at a personal interview with him, and it seems to be unnecessary to discuss it further.

To this a reply was sent, in which I maintained the understanding received at the conference, and that Prince Kung had admitted by implication that the Spanish government could appoint an assessor; for in his dispatch of the 8th ultimo, (inclosure 7,) he had affirmed as one reason for promoting Chān, that he would then rank with the Spanish officers living in Cuba. "In all western lands," I said in conclusion, "it is the usage, when one state sends a special deputy to another, for that state to designate an officer to meet and assist him in harmoniously carrying out the object of his mission. In the present instance such a course is necessary, in order that Chān and his associates may not, on their arrival, entirely fail in the end for which they were sent to Cuba."

This was on the 30th instant; and at present all direct relations are suspended between the Spanish legation and the Chinese government. The two foreign associates have reached Peking to receive their instructions from the Yamun; and though there is no doubt about the real desire of the imperial advisers to make the inquiry to which their attention has been directed, and that it will be attempted, I should be greatly disappointed if the efficient and harmonious action of their commission and the five foreign consuls in Cuba should be neutralized by their quibbling over this point. They say that if the Cuban authorities prevent their commissioners from landing and carrying on the inquiry by direct inquiry among the coolies, that no better evidence of the truth of the charges of ill-treatment could be asked for, and the propriety of prohibiting further emigration to Spanish possessions is thereby fully justified. One would desire to obtain the fullest investigation of the actual condition of these laborers, and if it confirms the charges brought

of inhuman treatment, so much the better if it is a step toward the abolition of the present system of contract-labor in this empire.

The severe measures adopted by the authorities at Canton to prevent coolies of all kinds going to Macao, in order to stop as much as possible the delivery of those who may have been engaged by contract to go abroad, and the summary execution of all crimps and kidnappers who have been caught, have, I hear, made the business so dangerous and losing that most of the barracoons are empty. But the want of energy and perseverance in native officials constantly incites to new attempts on the part of those unscrupulous agents who are ready to fill ships going to Lima or Havana with their countrymen, even at the risk of their own lives.

A traffic like that which has disgraced Macao during so many years cannot be stopped all at once in a country like this; but when it has been made a losing business as well as a dangerous and disreputable one, neither can it be immediately revived.

I have, &c.,

S. WELLS WILLIAMS.

[Inclosure 1 in No. 9.—Translation.]

Mr. Otin to Mr. Low.

SPANISH LEGATION, *Peking, May 27, 1873.*

SIR: The difficulties that have been raised to the Spanish legation by the imperial government in the emigration question having to be definitively settled by a collective arbitration of the foreign representatives accredited in Peking, I consider it my duty to submit to your consideration a short statement of the facts in order to enable you to form an impartial opinion upon the question which you are called to decide.

Towards the middle of the month of January last, I received a communication from the Spanish consul at Canton, in which he informed me that a Spanish emigration agent had asked, through the consulate, the authorization of the viceroy of the two Kwangs for the opening of an emigration office in Canton, in order to engage, according to the regulations of 1866, three thousand workmen which his employer required for the cultivation of his plantations; whereupon the viceroy had refused to grant the required authorization, founding his refusal on orders received from the Tsung-li Yamun by him.

As soon as these facts had arrived to my knowledge, I repaired to the Yamun, where the Ministers Mao-Chang Hri, Chunghow, and Chéng-Tin repeatedly assured me that no such order had ever been transmitted to the viceroy of the two Kwangs; but two days later, to my great astonishment, I received a communication in the shape of an official letter, in which the Yamun confirmed the prohibition to engage emigrants for the island of Cuba.

The foundations on which this decision was based were, the slanderous talk of a foreign newspaper that falsely interpreted a decision of the local government in Cuba, and represented the Chinese there as being submitted to a forced re-engagement, and the officious reports of some consuls residing in Amoy, most of them merchant consuls, who guaranteed the truth of the facts advanced in the said papers. These reports of (extra) non-official origin, and of which no one had even thought to prove the accuracy, justified, in the eyes of the imperial government, the adoption of an extreme measure, the abrogation of an international compact!

Out of the animated and often violent correspondence that took place on this subject between the Tsung-li Yamun and the Spanish legation, the only result on the part of the first was the following argument:

"The cruelty and tyranny of the Spanish government to the Chinese subjects having been duly proved by the reports of a newspaper and of the consuls at Amoy, we forbid the emigration to a country where our subjects have to suffer such ill treatment."

This solitary argument, adorned with all the charm of Chinese diction, and reproduced under a thousand different forms, has been the only defense opposed by the Yamun to the legitimacy of my right and to the arguments by which I enforced it.

Newspaper abuse is too common and vulgar to be taken serious notice of; as to the semi-official reports of the consuls, these functionaries being 6,000 leagues away from the scene of the events, they had no other means of knowing anything of them but from the adulterated relations in the said papers, and are, of course, not able to guar-

antee their veracity. Besides, according to international law the interference of foreign and non-authorized agents is inadmissible.

The facts of the case are as follows: The accumulation in Havana of Chinese who do not possess any known means of sustenance, constitutes a permanent danger for the Spanish province of Cuba, which, besides, is at present unfortunately agitated by a rebellion now coming to an end. In view of the circumstances, the local government, exercising an indisputable right, has decided to separate the vagabonds from the industrious mass, and to give the first the alternative either of leaving the country or of re-engaging themselves; the mechanics, merchants, and all honest men have not been molested. Where, then, is the *tyranny*; where the *cruelties*?

Another fact that has been put forward by the Tsung-li Yamun in the last conference is that the workmen engaged in Cuba according to the regulation of 1866 did not receive, after the expiration of the contract, the sum stipulated for their return home, and that these wretched people were without means of returning to their country. The Tsung-li Yamun went even so far as to assure me that the information received on this subject was not to be doubted. It is sufficient to state that the first emigrants were engaged in the Chinese ports under the new regulation only, in 1869, and that the term of the contract is five years. To understand that, it is impossible that a stipulation in the contract can have been broken, which stipulation could only have effect after the expiration of the engagement, and the workmen of 1869 have not yet terminated it.

Since the emigration is going on in the Chinese ports under the new regulation, no case of abuse or violence has been signaled, no complaint has been presented on the subject, with the exception of the one that the Spanish legation brought forward last year against the Chinese delegates in Canton, who, in the absence of the Spanish consul, and notwithstanding the remonstrances of an agent of the legation, had allowed the departure of a young man who had not the authorization required for minors, mentioned in article 11 of the regulation. Well! The Tsung-li Yamun has not only left this abuse on the part of the delegates unpunished, but, turning a good deed into a crime, declares that this case constitutes an abuse, and that abuse being found in the emigration, the emigration must be forbidden. Most logical reasoning! Spanish subjects must atone for the faults of Chinese mandarins!

But let us suppose for one moment that all this is exact; that the Chinese government had, instead of bad pretexts, only good reasons to enforce its measures. When a government which is bound to another by an international compact has any remonstrances to make, or wishes to begin negotiations, it must do it by means of diplomatic agents; and it has no right to arrest the effects of the treaty, for it is under the protection of the treaty, and trusting in the good faith of the power that signed it, that foreign merchants have risked their capital in a hazardous speculation. If one of the two parties could voluntarily break off its engagements, what need would there be of treaties?

In the present case, the Tsung-li Yamun has not only violated article 10 of the Spanish treaty, but also the clause concerning the most favored nation—refusing, as it does to Spain, a right that it accords to other foreign powers; and the result of this violent measure, which has been adopted secretly, is the ruin of the agents in Cuba, who, under the guarantee of the treaty, had begun preliminary operations of chartering vessels, distributing sums to Chinese recruiting-agents, &c.

It is true that the Tsung-li Yamun considers the regulation about emigration to be as important as international treaties, and demonstrates that the Spanish government having (according to the Yamun) infringed the regulation, the Yamun forgets, or rather wishes to forget, that above all laws is the faith sworn in international treaties; that local laws can be abrogated or modified; while a treaty is unchangeable and permanent in its legal duration; that it is a gordian knot that can be severed only by the joint will of the two sides, or by the bayonets of the strongest.

Still, as a proof of sincerity and of the little fear we have of the examination of the condition of Chinese in Cuba, I have offered to the imperial government, on my own responsibility, a right which the treaty gives it not, that of appointing a consul in Havana, who could watch over the interest of his nationals. The Tsung-li Yamun has obstinately refused this, saying that at present it has no idea of appointing consuls in foreign countries, but when it would take place, Cuba should not be excepted, and that then the emigration could again be re-instated. Need we have a more flagrant proof of bad faith? I offer them the means of investigating the facts and of protecting their nationals, and they reject them; but if they refuse to lead the life of civilized nations, Spain cannot change the code of international law in order to serve their whims by admitting the intrusion of foreign elements into her affairs. But it is not the welfare of its expatriated subjects that the imperial government is so anxious about; this is only a pretext, and at the bottom of the question there is something very important—it is the long-prepared plan of the imperial government to break off one by one all the links by which it is bound to the civilized world; and it begins with the nations of which it is the least afraid, because

it has not yet been punished by them. To-day, it is the emigration question; to-morrow, it will be the missionaries; later, the opium.

If we resume these observations, we find that the Tsung-li Yamun, taxing itself on reports deprived of all foundation, and the origin of which is irregular, has violated the treaty existing between Spain and China; that, notwithstanding my frank and loyal explanations, it has insisted in its decision; and, further, that when, moved by a spirit of conciliation, I offered it the concession of a right which would bring truth to the light and prevent similar complications for the future, Tsung-li Yamun has rejected my offer, without even informing me of the reason of such a refusal.

This, sir, is the truthful statement of the facts. I have not time to develop it more fully; but I hope that it will prove sufficient to give you a fairly correct idea of the question that is to be submitted to your judgment, and which could, in my opinion, be set down in the following concrete formula:

Is the conduct of the imperial government in the present affair in compliance with the principles of international right?

I am, sir, &c.,

F. OTIN.

His Excellency F. F. Low,
Minister Plenipotentiary for the United States.

[Inclosure 2 in No. 9.—Translation.]

Foreign Office to Mr. Low.

[Circular-note.]

PEKING, July 6, 1873.

The Ministers of the Foreign Office to his Excellency Mr. Low:

On hearing, some time ago, of the cruelties inflicted on the Chinese emigrants at Havana, and in the island of Cuba, we addressed a letter to M. Pereyre, the Spanish minister, informing him that emigration to those places could no longer be permitted. This decision was concurred in by all the treaty-consuls, and by them made known to the public.

The subject has now been again mooted by M. Otin, the Spanish chargé d'affaires, and as a difference of opinion has arisen between him and the foreign office with regard thereto, it has been suggested that the question be referred to the arbitration of the foreign ministers.

On the 15th of June, M. Otin wrote to the Minister Wānsiang, stating that the two points on which it was desirable that each side should fully state their views to the arbitrators, were these:

- 1st. Has Spain the right, under treaty, to insist on a free emigration to Cuba?
- 2d. Has China the right, under treaty, to stop emigration to Cuba on the score of cruelties inflicted there on the emigrants?

To this Wānsiang replied:

"Emigration is no doubt permitted under Article X of the Spanish treaty; but in that very article there is a distinct proviso that emigration is to be conducted under rules adapted to the requirements of each particular port, which are to be drawn up with the view of affording the fullest protection to the Chinese emigrants. And if cruelty does exist, the proviso about fullest protection is certainly violated. The present intention of the foreign office, to prohibit emigration to places notorious for the cruelties inflicted on the coolies, is not to be taken to mean that emigration to countries where Chinese coolies are not thus cruelly used will no longer be permitted."

With reference to the foregoing, the foreign office would observe that the convention, in twenty-two articles, concluded with England and France in 1866, had for its object the protection under treaty of the Chinese emigrants. It was certainly never meant to authorize the continuance of emigration under conditions which were inflicting injuries on the emigrants.

As the reply sent by Minister Wānsiang to M. Otin sets forth clearly when emigration is to be allowed, and when it is to be stopped, it only remains for the foreign office to request the foreign ministers to inform them—

- 1st. Whether it is true or not that cruelties are inflicted on Chinese coolies in Cuba?
- 2d. Whether, supposing it be true that Chinese coolies are cruelly used in Cuba, the foreign office ought quietly to submit to their emigrating there?

To these two questions the foreign office will feel obliged if the foreign ministers, after an impartial deliberation, will return a plain answer. If they prefer to confer personally with it on the above points, they are requested to name a time and place of meeting.

Compliments, &c., with cards of the eight ministers.

[Inclosure 3 in No. 9—Translation.]

Foreign Office to Mr. Williams.

[Circular note.]

FOREIGN OFFICE, PEKING, *July 27, 1873.**The Ministers of the Foreign Office to Mr. Williams:*

Having formerly heard reports that the laborers engaged by Spaniards to go to Cuba and elsewhere had been cruelly treated there, we decided to lay the whole subject before the foreign ministers for their candid opinion; and to this end furnished them with the points discussed by M. Otin, the Spanish chargé d'affaires, and Minister Wānsiang, and the reply given by the latter, requesting from each of them an answer informing us whether the Chinese laborers in Cuba were or were not cruelly treated, so that thus ground could be obtained for settling the matter.

M. Otin having again personally urged the speedy settlement of these points, it is unnecessary here to repeat the contents of the letters which passed between him and Minister Wānsiang; and the special purpose of this note is, therefore, simply to request that you would inform us whether the Chinese laborers who have been taken to Cuba are, so far as you can ascertain, cruelly treated or not.

An early answer will be anxiously looked for.

Compliments, &c., with cards of seven ministers.

[Inclosure 4 in No. 9.]

Mr. Williams to the Foreign Office.

LEGATION OF THE UNITED STATES,

Peking, August 1, 1873.

On the 6th ultimo Mr. Low received the note of the foreign office relating to the cruel usage which the Chinese laborers in Cuba are reported to receive from the Spaniards, and inquiring whether, if such was the fact, the Chinese government should patiently permit their subjects still to be carried away there.

Since Mr. Low left Peking I have received a second note, dated the 27th ultimo, in which the foreign office again inquires as to the truth of the reports of the bad treatment of the Chinese laborers now in Cuba, and asks for an early reply to both their notes. I have also seen the note received from the foreign office two days since, in which the ministers propose to meet all the foreign ministers at the Russian legation, and ask General Vlangaly to confer with them, (if the hour of 2 o'clock this afternoon will be convenient,) there to have a personal consultation upon the two points brought forward in connection with Spanish contracts for laborers. Owing to the heat of the season, however, I regret that I shall not be able to be present at the interview.

With regard to the inquiry as to the bad treatment of the Chinese laborers now in Cuba, it seems to me that it is necessary for a man to be on the spot, and personally learn for himself the truth by seeing and hearing what is done. I am only able to say that since the year 1849, when the business began at Canton of contracting for coolies to go to Cuba, up to this day, I have continually heard of the unjust and cruel treatment which they have there received, and that very few of those who fulfilled their term of service had ever come back to their homes. But as I have never visited those places, I cannot myself vouch for the truth of these charges. If the Chinese government wish to learn their real condition, the best way will be to send a special commissioner to Cuba, who shall carefully examine and ascertain for himself the mode of treating the laborers, which it will not be hard to do.

As to the question whether, if the Chinese emigrants are harshly treated in Cuba, the Chinese government will be justified in forbidding further engagement of its subjects to go there as laborers, I consider that it has that right, and can forbid it.

With compliments, &c.,

S. WELLS WILLIAMS

[Inclosure 5 in No. 9—Translation.]

Prince Kung to Mr. Williams.

TUNGCHI, 12th year, 8th moon, 3d day. (September 24, 1873.)

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication respecting the questions at issue with the Spanish government about Chinese coolies in Cuba.

The foreign office has now appointed Chān Lan-pin, a titular prefect, who had charge of the pupils sent abroad, (to the United States,) to be a special commissioner to go to Cuba to inquire into and manage the matter, and has associated with him A. Macpherson, now commissioner of customs at Hankow, and A. Huber, now commissioner of customs at Tien-Tsin, who are to join him and proceed to Havana at once.

These appointments were reported to the throne on the 21st, and His Majesty's rescript has been received approving of them.

In making these appointments known to your excellency, it seems to me also proper to say, that as these commissioners on reaching Havana will be unacquainted with the people and places, I hope that you will make known to the proper officers at Washington their purpose in going, to the end that directions may be given to the American consuls at that port, and elsewhere in Cuba, to afford them such assistance on their arrival as will further the attainment of the objects of their visit.

His Excellency S. WELLS WILLIAMS,
United States Chargé d'Affaires to China.

[Inclosure 6 in No. 9.]

Mr. Williams to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, September 25, 1873.

SIR: I was honored by the receipt of your Imperial Highness's dispatch of yesterday, in which you inform me that three commissioners, Messrs. Chān Lan-pin, A. Macpherson, and A. Huber, have been appointed to go to Cuba, there to inquire into the treatment of Chinese laborers; and as they will on arrival be unacquainted with the people and places, the hope is expressed that I will move the United States Government to advise its consular officers in that island to afford them such assistance as will further their object.

During the twenty and more years since Chinese laborers began to be carried to Cuba from Kwangtung Province, the report of the hardships they have suffered there has never ceased, and no one knows their extent. It is, therefore, a source of great satisfaction to me to learn from this dispatch that a commission has been appointed to proceed there and inquire carefully into the truth of the reports. Such a course evinces a regard for the Chinese now there, and is an act suitable to the national character and will elevate the reputation of China.

I will not fail to inform the Government I have the honor to represent of these things, and to request that directions may be given to the American consuls in the island to give such assistance to the commission on its arrival as they may be able.

I avail myself of this occasion to renew the assurance of my respect.

S. WELLS WILLIAMS.

His Imperial Highness PRINCE KUNG, &c.

[Inclosure 7 in No. 9—Translation.]

Prince Kung to Mr. Williams.

TUNGCHI, 12th year, 8th moon, 17th day. (October 8, 1873.)

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication.

It appears that, in relation to the appointment of Chān Lan-pin, a law-adviser in the board of punishments, to go to Cuba as commissioner to inquire into the condition of Chinese laborers, his promotion to the full grade he now holds was not clearly made known in my previous dispatch. He is an officer advanced to the fourth grade, and is specially privileged to wear a peacock's plume.

By Chinese rule the law-advisers in each board rank with the intendants of circuit in the provinces; and as Chān has now been promoted to the fourth grade, his parity with an intendant and his imperial appointment as envoy to go to Spanish countries will make him of equal rank to the Spanish officers living in Cuba, and to the salaried consuls of the United States residing there.

It is proper that I inform you of this, so there may be entire accord with them in managing the affair.

His Excellency S. WELLS WILLIAMS,
United States Chargé d'Affaires to China.

[Inclosure 8 in No. 9—Translation.]

Prince Kung to Mr. Williams.

TUNGCHI, 12th year, 9th moon, 4th day. (October 24, 1873.)

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication.

On the 9th of this month, M. Otin, Spanish chargé d'affaires, wrote to the Yamun as follows :

"I inclose several articles of an agreement to be discussed between us, which, if accepted without alteration, can be signed and sealed by us, but if there be any parts to be amended please inform me," &c.

It was wholly on account of what we had heard respecting the condition of Chinese laborers in Cuba that we agreed to discuss the subject with the Spanish chargé d'affaires at a meeting of all the foreign ministers, at which they desired the Chinese government to send a commission of inquiry to Cuba. On the 2d ultimo a memorial was presented to appoint Chăn Lan-pin, a brevet law-examiner, to proceed there and make full examination into the condition of the Chinese laborers, to which His Majesty's gracious assent was given. His appointment was notified to M. Otin and all the other ministers; and it is certainly incumbent on this government to wait until its commission has been there and has made a report before taking any further action in relation to emigration; and there is no necessity at this stage of discussing the protocol submitted by the chargé d'affaires of Spain, which, moreover, does not agree in all respects with what was adopted at the conference of August 1st.

These statements were embodied in the reply sent on the 13th instant to M. Otin, who two days afterwards answered as follows :

"I have received your dispatch of the 13th, the contents of which are so much at variance with what was agreed upon at the Russian legation, that I can no longer transact public business with the Yamun. I have accordingly requested the dean of the diplomatic body in Peking to attend to it for me, and I beg you to henceforth regard me simply as a private individual."

On the same day a dispatch from Baron Holloben was received, stating "that M. Otin, the Spanish chargé d'affaires, has transferred his legation to me as dean of the diplomatic body, and all matters connected with Spain will be attended to by me until further notice."

In regard to this whole affair, I can confidently say that in all our intercourse with foreign ministers the Yamun has always tried to maintain a spirit of cordiality and candor; and even when we have been disappointed in not arranging everything, we have never cherished the least feeling of distrust respecting the motives of others. In the present instance, as M. Otin seems to us to be mistaken and have misapprehended several points, we have addressed him unofficially, recapitulating the circumstances, and carefully defining our position in the matter, so as to dissipate his distrust.

The general conference which was held upon this question with all the ministers renders it desirable to communicate these things to them, as they will hear rumors of them, and I therefore inclose copies of two dispatches from M. Otin, one from the German chargé d'affaires, and three papers in reply from the Yamun, and submit the whole correspondence for your examination.

His Excellency S. W. WILLIAMS,
United States Chargé d'Affaires.

[Inclosure 1 in 8 in No. 9—Translation.]

M. Otin to the Yamun, containing a draught of a protocol.

OCTOBER 9, 1873.

To His Imperial Highness Prince Kung, and the Members of the Foreign Office :

I have the honor to inclose the draught of a protocol in five articles for your consideration, which, if they are found to be such as you can agree to, we can then sign and seal. They contain nothing different from what was agreed to at the conference at the Russian legation on the 1st of August; and I respectfully request your highness and their excellencies to examine them with a view to their adoption. If there are some points which can advantageously be altered, please inform me. But before this affair can be properly settled, it is necessary that the unfounded rumors relating to the high authorities in Cuba should be fully discussed; and to this end I beg your highness and their excellencies to send me true copies of the dispatches of the United States consul at Amoy, and of the American minister, Mr. Low, containing these calumnious* charges, so that I can examine them.

* See note at end, page 215.

PROTOCOL.

The undersigned, prince and ministers of the Tsung-li-Yamun, and the chargé d'affaires for Spain, (M. Otin,) after having discussed the means of conciliating the difficulties between the governments of China and Spain, with regard to emigration to Cuba, have agreed to the following points:

1st. The Chinese government will appoint a delegate to proceed to the island of Cuba to investigate the veracity of the facts denounced connected with Chinese emigration. This Chinese delegate shall be assisted in his investigation by two Spanish delegates, one from the foreign office, and one from the colonial office of Madrid.

2d. The governments of China and of Spain will request the governments of England, Germany, France, Russia, and the United States, as mediating powers, to instruct their respective consuls or consuls-general at Havana to join the above-mentioned Chinese and Spanish delegates in their labors, forming altogether a mixed commission of investigation.

3d. This commission shall draw up a report on the facts alleged and on the general condition of the Chinese in Cuba, according to the prevalent opinion, by majority of votes.

4th. Pending the report of the commission, emigration by contract to Cuba shall be suspended; but it is clearly understood that if the said report shows that the facts imputed were incorrect, the Chinese government shall at once re-establish emigration by contract to the island of Cuba according to the regulations in force; and shall furthermore pay to the government of Spain an indemnity for the losses and damages that Cuban land-owners and their agents might have sustained since January last by the prohibition.

5th. The amount of such indemnity shall be fixed by common understanding, by the Tsung-li-Yamun and the Spanish legation in China; and failing to agree, the matter shall be submitted to the representatives in Peking of the five mediating powers.

Done at Peking, October, 1873.

[Inclosure 2 in 8 in No. 9—Translation.]

Foreign Office to Mr. Otin.

TUNGCHI, 12th year, 8th moon, 22d day. (October 13, 1873.)

Prince Kung and the members of the foreign office herewith send a reply.

On the 9th instant we had the honor to receive your dispatch, in which you state: "I now inclose for your examination the articles of an agreement, and if there be nothing to alter in them, we can sign and seal them; if there be certain parts which you wish to modify or alter, you can inform me, and at the same time [please] send a copy of the communications from the United States consul, and Mr. Low, the American minister, with it, for my use," &c.

In regard to this, we may observe that, as you did not consider the declarations of the American minister and the United States consul in regard to the treatment of the coolies in Cuba and Havana to be supported by sufficient evidence, you then proposed that the question should be jointly discussed at a general meeting of all the foreign ministers. Thereupon they requested the Yamun to send a commissioner to Cuba, who could inquire into the facts; and you yourself urged that he should be appointed very soon, inasmuch as you were on the point of returning home.

We therefore, on the 21st ultimo, memorialized [the Throne] to this effect, that Càn Lau-Pin, a brevet law-examiner in the board of punishment, of the 4th rank, should be appointed to proceed thither and inquire into the condition of the Chinese laborers, and that Messrs. Macpherson and Huber, two commissioners of the customs-service, be associated with him in this service. We were honored by his majesty's rescript, "Let it be as requested;" which in due course was made known to your excellency and all the other foreign ministers. We also received their replies, as is on record.

Seeing that Chinese subjects are now employed abroad as laborers, it is proper that the Chinese government should send a commission to learn their condition; and in that case the members of the commission should take their own mode of learning the facts in the case, which they can then the better minutely report to the Yamun for its action. If this be not allowed, then the various statements on this point contained in the dispatches of Mr. Low and the United States consul must be regarded as reliable proof, and what need was there for the Chinese government in that case to send a special agent?

In what manner the question of the laborers in Cuba is to be acted upon must, of course, now remain in abeyance until this commission has returned and made its full report to the Yamun.

It is therefore unnecessary to take any deliberate steps with regard to the acceptance of the articles now offered by you; and, moreover, they do not altogether agree with what was decided upon at the conference held at the Russian legation on the 1st of August last.

The subjects discussed in the dispatches from the American minister and consul relate to the most important points touching the lives of our people; and they were all laid before you and the other ministers at the Russian legation last summer in the original documents. The dispatch from the consul was also inclosed in a dispatch to Mr. Peyrera last year, so that it appears unnecessary now to make another copy of them for you.

This is the purpose for which this reply is now sent.
His Excellency F. OTIN,
Spanish Chargé d'Affaires to China.

[Inclosure 3 in 8 in No. 9—Translation.]

Mr. Otin to the Yamun.

PEKING, October 14, 1873.

To His Highness Prince Kung and the Ministers of the Yamun:

I have had the honor to receive the dispatch of yesterday's date from your highness, &c., and have carefully examined it.

In it you say that the articles which I submitted to you are totally unlike * the points which were generally agreed upon at the Russian legation on the 1st August. I can, therefore, henceforth have no further transactions of a public nature with the Yamun; and have accordingly requested the dean of the diplomatic body to attend to all Spanish affairs on my behalf. I shall remain in Peking only on my private affairs until I start on my journey, and have to request that I may henceforth be regarded by the Yamun as only a private individual, in which position, if I have any business, I shall ask the good offices of the dean of the diplomatic body to attend to it.

I have, &c.

F. OTIN.

[Inclosure 4 in 8 in No. 9.]

This is Baron Holleben's dispatch to the Yamun, informing the minister that he was the intermediary on Spanish affairs.

PEKING, October 15, 1873.

[Inclosure 5 in 8 in No. 9.—Translation.]

Foreign Office to Mr. Otin.

[Caveat of the Yamun.]

TUNGCHI, 12th year, 8th moon, 27th day. (October 18, 1873.)

The Yamun begs to reply to his excellency M. Otin, Spanish chargé d'affaires.

On the 15th instant we received your excellency's dispatch, in which you informed us that, as ours of the 13th instant was at open variance with the agreement arrived at in the Russian legation, you could no longer transact business with us, and had accordingly handed over the business of the Spanish legation to the dean of the diplomatic body at Peking, and requested us henceforth to consider you as a private individual.

On the same day we also received the dispatch of M. Holleben, the German chargé d'affaires, stating that M. Otin had transferred the affairs of the Spanish legation to him as dean of the diplomatic body, and requested us, therefore, until further notice, to address him on any point connected with Spanish affairs.

In relation to this we beg to observe that, in all our consultations and transactions with the foreign representatives, we have always endeavored to maintain friendly relations; and in cases of difference of opinion and unexpected misunderstanding, we have, in order the better to speedily adjust the difference, always tried to preserve equanimity and calmness of mind. We have not, in consequence of disagreement on a single point, harbored general distrust on all points.

In relation to this coolie question, after obtaining the imperial sanction to the ap-

*The expression in the Chinese text for this discrepancy is far stronger than in the preceding dispatch from the Chinese authorities, almost equivalent to a declaration of antagonism; while theirs was disagreement, like the two parts of a check.—NOTE BY S. W. W.

pointment of Chān Lan-pin to go as our commissioner to inquire into the facts, (an appointment made after consulting with you,) we informed you of our action, and requested you to advise your government and invite its co-operation. And when, on the 9th of this month, you personally handed us a dispatch, we replied to it in the same form, with all convenient speed, according to the real facts.

In all this intercourse we have always treated you as becomes a minister plenipotentiary, and have never failed in due respect toward you; so that it certainly must be some misunderstanding which leads you, in your last dispatch, to request us to consider you as merely a private individual.

If, however, you wish to hand over the affairs of the Spanish legation to another minister, because you intend shortly to return home on account of important business, this is a common occurrence in all legations; but the purport and expressions of your last communication are not altogether in accordance with friendly relations.

We ought properly to reply to it in an official dispatch, but having now had it and the dispatch of the German chargé d'affaires, we have preferred to address you in a private note first, stating our views, and shall be gratified to receive your reply, wishing you at the same time every happiness.

Cards of—

PAO-YUN,
MAO CHANG HI,
And five others.

His Excellency F. OTIN,
Spanish Chargé d'Affaires to China.

[Inclosure 6 in 8 in No. 9—Translation.]

Foreign Office to Mr. Otin.

[Official caveat of Chinese.]

TUNGCHI, 12th year, 9th moon, 2d day, (October 22, 1873.)

Prince Kung and the members of the Yamun herewith send a reply.

On the 15th instant, we had the honor to receive a note from your excellency, stating that, as our dispatch of the 13th instant was openly at variance with the agreement arrived at in the Russian legation, you could no longer enter into official transactions with us, and that you had, therefore, requested the dean of the diplomatic body to take charge of Spanish affairs.

On the same day we also received a dispatch from M. de Holleben, German chargé d'affaires, requesting us to address him, until further notice, on any questions regarding Spanish affairs.

As we were, however, inclined to suppose that some misunderstanding on your excellency's part must be at the bottom of all this, we in the first place addressed to you our letter of the 19th instant. But as we received the next day another letter from the German chargé d'affaires, in which he told us that you had put our dispatch to you into his hands; that he and you had jointly opened and read it, and had then requested him to inform us that the reason why you had handed over the affairs of the Spanish legation to the dean of the diplomatic body was neither because you were in a great hurry to go back to Spain, nor because you cherished a distrust of us, but simply because you had deemed it to be useless to continue official transactions with us after we, in our dispatch of the 13th instant, had flatly declined the propositions which you had submitted to us.

We now beg to say, with regard to your excellency's dispatch of the 15th instant, that, though you may choose to make use of such phraseology, we may, on our part, assert that, in all our relations with any foreign power, we have never entertained sentiments of this kind.

Since you began to discharge the duties of acting minister for Spain, we have always treated you with all the respect due to a minister plenipotentiary; and as now M. de Holleben tells us in his note that you do not cherish a distrust of us, this would seem to prove that you are yourself also aware that we have really always treated you with the respect due to a minister plenipotentiary, and that we have never been guilty of any discourtesy toward you.

Referring to our dispatch of the 13th of October, we beg to observe that, just because Spain and China have been on friendly terms for so many years, we thought it to be our duty in this, as in all other matters, to state our candid opinions fully, according to the actual circumstances, and beg you, therefore, to take this into mature consideration.

His Excellency F. OTIN,
Spanish Chargé d'Affaires.

[Inclosure 9 in No. 9—Translation.]

Mr. Holleben to the Foreign Office.

[Not contained in the Chinese.]

GERMAN LEGATION,
Peking, October 24, 1873.*To His Imperial Highness Prince Kung, and their excellencies the ministers :*

Your imperial highness and their excellencies' letter to me of the 22d instant, with its inclosures, has been duly received. At the same time I received also the original dispatch addressed to the chargé d'affaires for Spain.

After having consulted with M. Otin, I have now the honor to reply to it, and to inform you that M. Otin has with pleasure taken due note of the friendly sentiments toward the Spanish government expressed in your highness and their excellencies' dispatch; but as that does not at all enter into the essential points of the pending differences, and as M. Otin must suppose, therefore, that you still adhere to the position taken up in the dispatch of the 13th instant, M. Otin regrets to say that he does not see how he could, in reply to it, allege anything that might serve to alter the pending relations.

I have, &c., &c.,

HOLLEBEN.

Note upon Mr. Otin's dispatch.—This portion of this dispatch I have translated from the Chinese text, in which this word answers to that version. Mr. Otin having showed me the original texts in Spanish, for which he alone is responsible, I can say that the Chinese version is too strong for the Spanish word *delacion* or accusation, and that he applied it only to the document from Amoy.

The inclosures in this correspondence are taken from their original texts, in English, with the exception of the dispatch accompanying the protocol in inclosure 1. The translations from the Chinese are direct.—S. W. W.

No. 135.

Mr. Williams to Mr. Fish.

No. 10.]

LEGATION OF THE UNITED STATES,
Peking, November 18, 1873. (Received January 27, 1874.)

SIR: I have the honor to send you a copy of a dispatch from Mr. Knight, United States consul at New Chwang, relating to the inundation in that region, and the consequent disturbed state of the country arising from the distress caused by it and loss of the crops. Mr. Knight addressed the local civil and military authorities in August, setting forth the dangers likely to fall upon all classes, if the brigandage was not stopped; and when his dispatch reached Peking I applied to the government, as did the other foreign ministers, asking what measures would be taken, and urging energetic action before the distress and rapine became desperate, if not remediless. The miseries of anarchy have already been felt in that part of Manchuria, and the subsequent prosperity now made all classes alike desirous to restore quiet, lest they should experience a repetition of their evils; and it is to this that I partly ascribe the measure of success in the efforts of government, as given in Prince Kung's reply, (see inclosure 2,) to restore quiet. There is, I hear otherwise, a large measure of truth in its statements, but the distress and want must still be very great. The rains of which Mr. Knight speaks, and to which I referred in my dispatch of August 25, have been unusually wide and heavy, extending over an area measuring nearly one hundred thousand square miles, comprising the largest part of this

province and the western district of Manchuria. All the bottom-lands in this wide area have been more or less overflowed. The River Liao, which runs by New Chwang, is nearly five hundred miles long, and its upper headwaters drain the southeastern slopes of the Great Plateau, west of the basin of the Sougari as far as the border of Chili province, into the Gulf Liaotung. Between it and the Pei-ho are a few smaller streams; but the latter, with its four tributaries, all larger than itself, pours the drainings of the whole southern part of the province into the Gulf of Chili at Taker. The headwaters of these affluents are about six degrees of latitude apart, and all rise in the range of hills which separate this province from Shansi, and converge towards Tien-tsin like the ribs of a fan; the largest, called Sang-kan or Hurm, and also Yang-ting, near its junction with the Pei-ho, rushes down from the uplands like a mill-race, laden with sediment, which is soon deposited along the flat lands, or raises the bed of the stream. The others join it near Tien-tsin from the west and southwest, and their swollen currents have everywhere burst the banks and spread their waters over the country. The single outlet is insufficient to relieve the excess, but there is no other opening into the sea, and the flood remains until it soaks away or dries up.

As the rain ceases and the rivers contract, only the water near their channels flows out, that which is farther off being shut in by the dikes and banks around the fields it has covered; the narrow roads are also unserviceable, as they are usually from three to eight feet below the general level, and at such times become mere ditches. These disadvantages of this flat plain have been really much increased by the efforts of the people to confine the rivers in their beds by diking up the banks, for the soil brought down has silted up the beds, and the superabundant waters cannot regain the channel. The mountains where the rivers rise are bare of trees, and nothing, of course, there detains the falling showers, so that there seems to be no remedy for the evils and disasters which come in the train of these heavy rains to those who live in the lowlands. One compensation is found, indeed, to the latter in the large crops which their fields produce when the water has dried off. At this time, ten weeks since the rain ceased, it is estimated that more than half of the submerged region has become dry; but I can obtain no reasonable estimate of the area still under water. Happily the spring crop of wheat was large, and the supply of rice from the south is now brought in steamers, and is more and better than when the grain-junks brought it, so that the distress is not likely to imperil life so much as in 1871.

For three successive years have the districts around Tien-tsin been flooded. The authorities and people exerted themselves manfully to preserve the dikes near the city, but their efforts were fruitless just at the highest point of the freshet, and, most sad to add, only a fortnight before the time of the harvest when the crevasse occurred and the waters spread over the fields, destroying the millet, pulse, and sorghum, and sweeping away the mud-houses. The loss of life was not great. This region is still covered and the people are searching its lagoons and deep places for fish, which find abundance of food there. It will not be dry until the warm spring comes.

I have deemed that you would be interested in these details of the calamitous flood in this province, as explanatory of Mr. Knight's dispatch. It is a great wonder to me that the people are so quiet amid their misery, but they know that their officers sympathize with them somewhat, and large supplies of grain have been distributed near the

city, though necessarily quite inadequate to relieve all. The miserable poverty of the great bulk of the population, their ignorance and inertness, with the selfishness which dwells in all classes, and makes it hard to obtain relief, all combine to increase the misery, disease, and sufferings which follow in the train of so widespread a flood in this plain. Nor do I see how the surplus waters can be discharged without a new outlet is dug into the gulf; and this, I fear, would be choked with silt before it had been long in use, even if the resources of the government were sufficient to make it.

I have, &c.,

S. WELLS WILLIAMS.

[Inclosure 1 in No. 10.]

Mr. Knight to Mr. Williams.

UNITED STATES CONSULATE,
Newchwang, August 30, 1873.

SIR: I have the honor to address you on a troublesome subject, and one which, with the exception of the local excitements created by the Tien-tsin massacre, I have been happily free from since the year 1866, namely, the disturbed condition of this province, and the almost utter paralyzation of the traffic to and from this port with the interior, arising from the presence of numerous bands of brigands which occupy the country between this port-town and Moukden.

The district represented by this consulate has ever been infested with lawless roving bands of more or less importance, but the prompt and skillful management of his excellency Wen-siang with a large foreign-drilled or armed force north of Moukden, during the winter of 1865-'66, and the spring following, and the just and retributive action of his excellency Ching-lin and associates, who then held office at this port, during the summer of 1866, appeared to have scattered them to follow their habits in other parts, or to lead a more honest life. Small companies, it is true, have appeared from time to time at different points during the cold seasons; one band approached so near this place last winter that some of the residents were obliged to give up an arranged excursion to a neighboring spot, but both merchandise and travelers usually escaped plunder by the employment of an armed escort guard, the members of which were under some arrangement with the robbers. But I may add that no one, to my knowledge, has ever disputed the repeated assertion that these self-same escort guards themselves often resort to robbing when out of escort employment.

However the case may be, the occurrences of the past two months have served to place matters, as regards the safety of life and jeopardy of trade in this province, in a position quite as disastrous and fraught with anxiety as subsequent events proved had been justly apprehended during this month eight years ago. The main and immediate cause of such a state of things may be attributed to the excessive rains with which this quarter has been visited of late. The native whose memory extends back half a century testifies that no such rain-storms within his experience have fallen upon this land. For two months, with but short and infrequent intervals, the country has been drenched with showers only equaled in the tropics, until not only is the country extending from this port-town southward to the hills under water, but the entire district between this and Moukden, and especially along the basin of the Sian, and the most important high-roads are so flooded that large boats may depart from the river-channels, and, in many directions, reach their destination by a straight course. Thus an extent of country not overestimated at 1,000 square miles is inundated, in which I need scarcely mention the crops are entirely ruined. In fact the staple harvests of beans and millet are decayed, and the stalks of the latter having floated down the swollen river may be met with far out in the gulf. These are just the circumstances most certain to tempt those in this country who are at all naturally inclined to predatory habits, and the comparative success of the earlier formed bands attract to their ranks large numbers of those who, through loss of crops, and homes perhaps, soon become demoralized and reckless.

Consequently, the condition of this province compared with former years is, beyond dispute, as I now state. The possibility of transporting merchandise from this port to the north, or of bringing produce hither from Moukden, without an almost certainty of seizure, is about as complete as if war was being carried on between the two points. Trade in imports is thus absolutely checked. In former years the robbers contented themselves with exacting only sycee or opium; now they demand any and everything

on which they can raise the smallest amount of cash. Formerly they roved about on horseback, and there was some chance of the trains of carts escaping them; now they occupy the country along the banks of the Lian, which, under the circumstances, is the only course of travel, and a free passage without an encounter is not expected. Until lately the common escort-guard could come to some arrangement with the brigands by which the trains under their convoy were exempt from plunder; but now the brigands are strangers, and too eager for any division of spoils. A few years ago the provincial troops, the escort-guard, and the robbers were armed alike with the matchlocks of the country; now, there can be little question but that the latter have many in their ranks who are well provided with foreign rifles. All trade for the moment is so obstructed that, but for the large stores of produce at this port-town, not a single commercial transaction would take place. And, finally, the imperial maritime revenue has fallen off, and must show a large reduction for this year. Now, the fact is not to be overlooked, that loss of trade alone is a most serious matter to all concerned here, and with such a lawless and ruinous condition as I have related, both foreigners and natives alike believe they are justified in feeling apprehensive that life and property, unless some prompt and extraordinary measures are adopted by the government, will be imperiled the coming winter.

The statement above of my belief that the robbers are now provided with foreign arms may require some explanation. I can sustain it, however, by the knowledge I have long possessed and often reported, that the southern native compradors of this place are in the habit of secretly inquiring of masters of vessels if they would part with their stands of guns or pistols. Although, with every desire, I have been unable to detect with accompanying proofs a single transaction, no one hereabouts doubts for a moment but that large numbers of foreign weapons have been so obtained, and sent to the interior for sale. And my opinion on the subject is now confirmed since Mr. Taintor, the commissioner of customs, was, on the 21st instant, while sailing along the Lian on a surveying trip toward Sin-mun-tim, suddenly attacked by a number of men at a point about twenty miles beyond San-cha-ho, some of whom fired at him with foreign guns.

This band being strongly positioned for attack or retreat on a long island, and having four boats at their command, made several running attempts to capture Mr. Taintor, and his escape was a narrow one. He was forced to fire several return shots in self-defense, some of which one may be permitted to hope taught them a lasting lesson.

This dispatch has already transgressed the limit I looked forward to at the commencement, but I am most anxious to provide all that is necessary and true, in order that you may with ease convince the imperial government officials that it is imperative they should take immediate steps to avert in this quarter what may be worse than already prevails.

It is barely possible, so much do provincial officials dislike of all things to report unfavorably to Peking, that the Tsun-li Yamen may reply that they are not in receipt of corroborative information from their own officials. But I think not, for I know that the Tao-tai of this port and the Tartar general of Moukden are in active correspondence, apparently as to which shall forward troops here or there. And this morning I learn that the large Samshoo-Hongo, of the city of Newchwang, have returned their licenses to the officials with a joint letter saying that they pay their annual tax to Peking, but, since from want of protection they cannot manufacture and export their Samshoo with safety, they can do no business, and their license is without value. Interest is awakened in every quarter as to what steps shall be taken for our security during the ensuing winter, and I should fail in my duty did I not bring forward to your notice the several suggestions. The English residents have petitioned their minister for either a gunboat or a company of marines, to be stationed here until the next spring; while the commissioner of customs intends to inquire of the inspector-general, Mr. Hart, as to the practicability of one of the smaller Chinese gunboats being retained here.

Certainly both ideas are good, and such as are not lightly to be abandoned. For in the event of this port being attacked by a large force, as was indeed the case with the city of Newchwang, (situated but thirty miles distant,) in 1866, it is possible that the resident Tao-tai's 500 foreign-drilled troops might be required to await his orders for the defense of the native quarter, while the gunboats or marines would especially protect the foreign settlement.

My own suggestions, however, in addition to the above one, are:

First, that the imperial government be recommended to instruct the high officials of this province to provide, say, three or four thousand stand of rifles and ammunition, which shall be distributed to the proper officers of the several cities and towns, according to their size and importance, including the cities of Newchwang, Haiching, and Kai-chow, which are within the thirty miles radius of this port.

Second, that the Tao-tai of this port be instructed not to move the 500 foreign-drilled troops belonging to and stationed at this port, outside the limits, except for immediate purposes of defense. My proposition, it is true, calls for a certain expendi-

ture on the part of these provincial authorities, but it will be a comparatively small expenditure if the expense is made to fall *pro rata* on each city or town thus supplied with such real means of defense; and in fact the outlay will not be greater than that the British government has more than once submitted to, with proverbial liberality and solicitude for its subjects and interests, during past winters at this port.

For my own part I willingly acknowledge that the active steps taken by the imperial government within my experience in 1866, make me feel assured that it has every desire and intention to maintain peace and security and uphold confidence in this part of the empire, but I fear its habitual delays.

I now leave it for you, sir, to deal with the subject, and the government's best plan is to forward its orders by speedy courier to the Tartar general at Moukden.

Confident that my reputation will acquit me of being charged as an alarmist, I will address you again should events warrant it.

I have, &c.,

FRANCIS P. KNIGHT,
Consul.

S. WELLS WILLIAMS,
Chargé d'Affaires for the United States, Peking.

[Inclosure 2, in No. 10.—Translation.]

Prince Kung to Mr. Williams.

YUNGCHI, 12th year, 9th moon, 19th day, (November 8, 1873.)

Prince Kung, chief secretary of state for foreign affairs, herewith makes a reply.

I received your excellency's dispatch relating to the local bands of marauders about Newchwang, which were robbing and levying black-mail at the stations they had lawlessly established; and, as I have already informed you, sent orders immediately, in response to your request, to the authorities to adopt measures for suppressing and punishing these men.

On the 2d instant I received a dispatch from the superintendent of the northern ports, covering a report from the intendant at Newchwang, stating as follows:

"Careful examination has been made for many days past, and no unauthorized stations can be found where black-mail has been extorted from wayfarers and traders. Formerly, as it was currently reported here that in Liao-yang, in those parts of the prefecture lying along the river Liao, were found many robbers, who waylaid travelers and stopped the grain on its way to market, letting them go when their demands were complied with, I immediately requested the military authorities to detail some troops to arrest them, and issued my orders to all the local magistrates of every grade at once to exert themselves to take and punish all offenders. I have now heard that the marauders have all dispersed, the roads and rivers are all open, and travelers or traders can everywhere pass as usual. As I report these things I may add that general orders have been given to the various magistrates and the foreign-drilled troops, to really exert themselves to maintain order and arrest evil-doers."

Having received the above, I can do no better than to send a copy of it for your information.

His Excellency S. WELLS WILLIAMS,
United States Chargé d'Affaires ad interim.

No. 136.

Mr. Williams to Mr. Fish.

No. 11.]

LEGATION OF THE UNITED STATES,
Peking, November 20, 1873. (Received January 26, 1874.)

SIR: Referring to Mr. Low's dispatch No. 276, of 19th July, I have now the honor to send you the continuance of the correspondence with his excellency Señor Garcia, the Peruvian envoy, and an account of the progress of his negotiations, which I think you will read with interest. His first dispatch is in reply to Mr. Low's answer to him, and was writ-

ten from Yeddo while engaged in negotiating a treaty with the Japanese. It deserves careful perusal. Among many just remarks respecting the isolation of the Chinese officials, and their unwise unwillingness to enter into any well-understood relations with Peru, it still gives a one-sided view of the condition of the coolies in that country, and studiously refrains from explaining their past treatment.

The argument he brings forward in the last part of his letter, that if the Chinese government can be induced to appoint consular agents in Peru the evils of the coolie system can be reduced, or removed, as they will watch over the interests of their countrymen, is very fallacious. The protests of these consuls would, setting aside all difficulties in the way of proving or even obtaining their statements of ill usage to the coolies, be perfectly powerless against the obligations of the contracts under which they came to Peru, and the right of their employers to see them enforced.

Captain Garcia's notion of the duty of Peru toward the defenseless laborers now in her own borders, and her privilege in China if the Emperor refuses to make a treaty about their emigration, exhibits the selfish, unscrupulous spirit of the whole system of contract-labor. "Peru must have Chinese laborers, and private parties will do what they can" to hire, cajole, or kidnap the Chinese as they have done, "and the Peruvian government will be powerless to prevent abuses in foreign countries." One cannot blame this government for regarding the practice with aversion, and in its present state of tutelage as to its foreign relations it can hardly be blamed for refusing to Peru a participation even in the rights of the present emigration rules.

The preliminary treaty between Peru and Japan is in ten articles, the seventh of which seems to look to the employment of Japanese laborers there. It reads thus :

No restrictions shall be placed by either government upon the employment of their respective citizens or subjects reciprocally, in any lawful capacity. They may go freely from the one country to the other, fulfilling the conditions required by the laws of their respective nations.

This last clause is too vague to base any reasoning upon it, but it is not easy to understand how the Peruvian government can admit the principle of ex-territoriality as apparently involved in this article, to such Japanese as may come to Peru. There is, however, no probability of the planters there obtaining Japanese laborers to any extent, nor would they be found to be as profitable or satisfactory as the Chinese.

The next part of this correspondence (inclosures 2, 3, 4,) contains my reply to Señor Garcia, inclosing Prince Kung's answer reiterating his decision not to make a treaty with Peru. At the personal interview I went over the whole ground ; the application of the Peruvian envoy for the appointment of a deputy to meet him and discuss the points which most needed to be understood ; the benefits of the imperial government to learn fully the condition of its subjects in that country ; and particularly, that it became the rulers of China to receive such an envoy with the courtesy their own envoys had experienced in foreign countries, and that this courtesy was not incompatible with an unwillingness to enter into treaty engagements permitting their subjects to be hired and go to Peru as laborers. They could not, or would not, see the distinction ; and as Señor Garcia had applied to them to negotiate a treaty, whose chief feature was to be the contract-labor system, so it involved the acceptance of that system if they agreed to consult with him about it.

The impression has become very strongly fixed in the minds of these officials, that the favored-nation clause forms part of every treaty, and

every nation which has a treaty can and will demand everything granted to all other nations.

The prince, therefore, persistently held to his impossible stipulation, and said, "When the Peruvians bring back all the coolies we will make a treaty with them."

The leading points of the conversation are embodied in my letter to the prince of September 18, (inclosure 2,) and his reply of the 20th, (inclosure 3,) with mine to the Peruvian envoy of the 22d, (inclosure 4.) In this last I also allude to the influence which the discussion with the Spanish chargé d'affaires has probably had upon his decision. The two complaints from the Chinese now in Peru, made known to the Yámun by this legation in 1869 and 1871, have also produced an effect in leading them to the conclusion that it is better to make no more treaties admitting contract labor.

Previous to his arrival in China, Señor Garcia sent one of his suite from Japan to Peking to learn exactly the state of affairs. He reached Tien-tsin last month on his way hither; but the governor-general heard of his arrival, and when he essayed to go on as a private individual in company with a Frenchman, the boat was stopped at the floating bridge, and he was compelled to turn back.

The last part of this correspondence gives only the results of the visit of the Peruvian legation to Tien-tsin.

Señor Garcia's conclusion to come up the coast was (inclosures 5 and 6) approved by all whom he consulted; and I have no doubt that the governor-general had been instructed from Peking how to receive him.

* * * * *

I have not heard whether Señor Garcia has been able to act upon the suggestions in my reply to him, (inclosure 7,) or what other plan he has adopted. He has probably conferred with the commissioners to Cuba, who passed through Tien-tsin last week on their way to Shanghai; and decided his course of action before the river closes.

I have, &c.,

S. WELLS WILLIAMS.

[Inclosure 1, in No. 11.—Translation.]

Señor Garcia to Mr. Williams.

PERUVIAN LEGATION TO CHINA AND JAPAN,
Yedo, August 25, 1873.

SIR: I have the honor to acknowledge receipt, in reply to my note to that legation, dated June 15, 1873, of the Hon. Mr. Low's two dispatches to me, dated respectively July 5, (in duplicate,) containing a copy of his note of the same date, addressed to His Imperial Highness Prince Kung in regard to my mission in China, and July 17, inclosing a translation of the prince's answer to Mr. Low, dated July 6, 1873.

I have since had the pleasure of a conference with Mr. Low, at Yokohama, in reference to his dispatches and their inclosures, and it is gratifying to me to address the present communication to you as the representative of the United States, a country which has always been friendly to mine. I feel more at liberty to do this, not only because you are authorized by your Government to aid this legation, and on account of Mr. Low's kind offer, contained at the end of his dispatch of July 5; but also because I am convinced that the merited influence which your long residence and distinguished services in China must have given you will certainly help me to accomplish the highly honorable and worthy objects of my mission, which are as beneficial to the Chinese Empire as they are to Peru.

Before anything else, I may be permitted to express my great surprise and disappointment at the immediate result of Mr. Low's friendly action. Although written only twenty-four hours after the American minister's letter, Prince Kung's reply is, as Mr. Low himself calls it, "decided" and "curt," declining to make a treaty with Peru.

This is the more to be wondered at, in presence of the fact of a Peruvian mission being at the gates of that empire, having traveled an enormous distance, and come to

confer with the Chinese government, and arrive at an agreement precisely on the subject about which the present liberal administration of Peru had heard that China had motives of complaint.

It is, sir, allow me to say, very strange that, when the Peruvian government wishes to explain to the Chinese government what is the real condition of its hundred thousand subjects in Peru, to state to it that we have been actively working to give them the greatest protection and guarantees in the republic, for which purpose new laws and regulations have just been enacted, and now desire to contribute to make the illicit practices disappear, and to establish, in accord with the Chinese government, a system of lawful emigration of the best kind from the open ports of China, like that which goes to California or Australia; and, finally, when the Peruvian government, in order to make all this known, employs the best means, the sending of a special mission to the Court of China, it is strange, I beg to repeat, that the Chinese government, giving such momentous matter only twenty-four hours' thought, should answer, declining to enter into negotiations.

The principal and foremost aim of my government in accrediting me to that court is to enter into a treaty, convention, or agreement for the proper legal and moral regulation of Chinese emigration. I beg to be allowed to suggest that, probably on account of the prince's not knowing the real intention of the Peruvian government, which is, settling the difficulties in regard to Chinese emigration before concluding a general treaty of amity and commerce, he came to the conclusion not to treat Peru with the same politeness, or, as he says, "to regard her in the same light," as the other nations that have made treaties with China. Nevertheless, his imperial highness bases his reluctance "wholly on what he has heard as to the treatment experienced by his countrymen in Peru," saying "that the manner in which that country has acted toward China is so different from the conduct of other nations."

It is painful to see that the distinguished chief of Chinese diplomacy only re-echoes the false reports and exaggerations that have come to his notice. But anybody is to be excused for believing anything if he has not the means of verifying the truth or untruth of the rumors he hears. Rationally thinking, however, it is evident that an employer of a number of laborers is the person most interested in keeping them in the best health and condition; and, in respect to the Peruvians, let the truth be said, that they are proverbially averse to cruelty. The honorable Mr. Low states that the representations made to the Chinese government are strengthened by the fact that *so few laborers have ever returned from Peru* in comparison to the number who have gone there, and *so little can be ascertained* as to the actual condition of those still remaining. To the first observation the answer is, that the return is not so easy as from California, for instance, on account of the distance and the absence of a regular line of steamers between the two countries, which is on the point of being established by an English company; that, in point of fact, a great number do return, as statistics show; that formerly the contracts were for a long period of eight years, and the emigrants, after the term of their engagement, having acquired the language and become fond of the country, have settled there, raised families, gone into business, and made fortunes.

In several towns of Peru, and particularly in the city of Lima and commercial ports of the coast, whole districts are occupied exclusively by Chinese store-keepers and merchants, to some of whom ship-loads of goods directly arrive, and thousands of Chinamen, free from their former contracts, are domestics in the houses of the best families; there they gain good salaries, are well treated, do as they please, and if they remain in the country, it is because they wish it.

But, besides all these considerations, the new regulations just made by President Pardo impose on the contractors of Chinese laborers the obligation of returning them to their country when the term of their engagement is over, and this term has also been considerably reduced.

To the second of Mr. Low's observations, in regard to *how little can be ascertained* as to the condition of Chinese in Peru, the answer is simple. China lives isolated from the world, and cannot learn what passes abroad, and less so in countries with which she maintains no relations; but other governments know well, and always learn when they desire, what transpires in Peru. But here is a mission sent expressly by the Peruvian government for the purpose of giving the government at Peking all the information necessary. Thus the nation I represent shows that she is more interested in the welfare of the Chinese than China herself, whose government seems disinclined to hear what that mission has to say. Prince Kung refers to certain documents, purporting to have been written from Lima, and sent to him from your legation in 1869 and 1871.

On this point I beg to say that my government does not pretend that Peru is entirely free from crime, or that some of its citizens may not commit abuses. The inhabitants of no country are perfectly virtuous and law-abiding, and no government is answerable for all violations of the law by its citizens. But justice ought to be done to all equally, and this is what takes place in the republic of Peru, in which, no separate social classes existing, laws are indistinctly applied to all, and which is governed

by free institutions, and now by an administration who is attracting the attention of the world for the liberal measures it is carrying out and the noble motives by which they are inspired.

One of the first acts of President Pardo, on coming into office in August, 1872, was to attend to the condition of Chinese subjects in Peru. He had heard of some abuses having formerly been committed in the country, and a greater number practiced abroad. In regard to Peru, the congress and the President have taken the matter in hand, and now a Chinese finds himself in the republic in the same position as any other foreigners.

For any and all arrangements on this subject my government desires to negotiate directly with the government at Peking, and this is the origin of the mission with which I have been honored.

It seems inconceivable that the Chinese authorities should object to acquire the means of appointing agents in Peru to watch over the interests of their subjects there. If China should finally decide not to treat with Peru, the republic will have done her duty to herself and to the world, and she will have no responsibility for anything that may occur hereafter. One of the practical consequences of such a resolution will be that Peru must have Chinese laborers, (whose numbers have been increasing year by year, and only in 1872 the total of more than 14,000 arrived at Callao.) Private parties will do what they can, the Peruvian government being powerless to prevent abuses in foreign countries.

However, His Imperial Highness Prince Kung says that, but for the reports he has heard, "it is reasonable to admit her proposal (of Peru to enter into a treaty) with demur," and further on declares that the Chinese government "considers that it will not be meet to repel the Peruvians too harshly or finally."

These declarations of his imperial highness show that the determination of the Chinese government, communicated in his dispatch of July 6 to Mr. Low, is not final, and that the prince is willing to enter into negotiations with me under certain conditions.

Nevertheless, I am unwilling to present myself at Tien-tsin, if I were not going to be received there by his excellency the viceroy in a due and proper manner, according to international usages, and in conformity with the representation which I possess as the envoy extraordinary and minister plenipotentiary of a sovereign state.

It is in this view that I have taken the liberty to trouble you, sir, with this long communication. Availing myself of the friendly disposition of the United States Government toward Peru, and of your own upright character and clear judgment, I earnestly request you to please make known the contents of this dispatch to Prince Kung, and to favor me with your answer, forwarding it to the United States consulate at Shanghai, where I shall wait for it until I hear from you whether the Chinese government will issue the proper orders, so that the Peruvian mission be courteously received at Tien-tsin on its way to Peking.

I take this opportunity to inform you that on the 21st instant I had the honor of signing with His Excellency Toyeshima Tane-orni, His Imperial Japanese Majesty's minister for foreign affairs, a treaty of peace, amity, commerce, and navigation, on the same basis as those which are now in operation between Japan and the other treaty-powers.

Thanking you most sincerely for the kind offices which I have no doubt you will render me, I have the honor to assure you of my highest consideration.

AURELIO GA. Y GARCIA.

[Inclosure 2, in No. 11.]

Mr. Williams to Señor Garcia.

LEGATION OF THE UNITED STATES,
Peking, September 22, 1873.

SIR: I had the honor on the 10th instant to receive your excellency's dispatch of the 25th ultimo, in reply to that of Mr. Low of the 17th July, in which you have entered very fully into the points alluded to in Prince Kung's dispatch; and on the 15th I had again the honor of receiving your second letter of the 2d instant, inclosing a copy of the preliminary treaty which you have negotiated between Peru and Japan.

In accordance with your request in the first letter, I have made known its contents to Prince Kung, to whom I sent a note requesting a special interview for this purpose. This he allowed me on the 16th instant, and I then stated fully all its leading points. I had no time to put it into Chinese, but I think he clearly understood the main points; and, as there were five of the members of the foreign office present, there was no lack of discussion during the full hour the interview lasted. It may be that some of the points were not so clearly remembered as they would have been if a translation had been placed before them, but, in order to bring the matter to a point, I next day addressed

the prince a dispatch, of which I inclose a copy. In it you will see that I suppose a complete statement of the whole question will be made whenever the officials from both countries shall meet at Tien-tsin, and you place in their hands all the facts and arguments in your possession.

The Prince's reply gives you the option, while he declines to appoint a special commissioner of equal rank to meet you at Tien-tsin and negotiate a treaty, for you to address yourself to either the southern or northern superintendents of trade at Nankin or Tien-tsin. They will, no doubt, be instructed to open a correspondence with you. In my interview I insisted on the impropriety of refusing to receive and confer with an envoy sent with the most friendly intentions, from a foreign country, and dismissing him without even hearing what he had to say, even if the Chinese objected to make a treaty. Such a course had not been pursued toward their own envoys in western countries, and it was inconsistent, therefore, with the dignity of a nation to reject that of the Peruvian government in its friendly proposals.

This argument had its weight, no doubt, in modifying their refusal to meet you on the basis of negotiating a treaty. The opportunity of explaining the present condition and prospects of the thousands of Chinese laborers now in Peru, with such an astute official as Ti-Hung-chang, the present governor-general of Chili, will enable you, if you conclude to come to Tien-tsin, to set forth the intentions of the present government of Peru.

In respect to the subject of contract-labor in China, I may be allowed to explain that at present the imperial government is earnestly desirous to put a stop to the manner in which its subjects have been deluded to engage themselves and have been carried off through Macao to foreign countries, from which few of them have ever returned. The atrocities and wrongs connected with this business have left the impression on the minds of those who know anything of the matter that it is equivalent, almost, to a living death for one of their countrymen to be taken away as a coolie. Few or no letters are ever received from those thus shipped away, and their friends, who have no idea of the countries whither they are gone, regard them as dead.

It is to be hoped, even in the interests of humanity, that the present efforts of this government to put a stop to the shipment of coolies from Macao will be entirely successful, and no more ships will find their human cargoes at that port.

If it be, as you remark, that "Peru must have Chinese laborers," let them go there of their own accord. The emigration to California, as you well know, began and has been carried on wholly by the Chinese themselves, and not a cargo of contract-laborers has ever been engaged for that country. In this dispatch it is said that the emigrants, after the term of their engagement, having "acquired the language and become fond of the country, have settled there, raised families, gone into business, and made fortunes, so that in several towns, and particularly in the city of Lima and commercial ports of the coast, whole districts are occupied exclusively by Chinese storekeepers and merchants, to some of whom ship-loads of goods directly arrive; beside these there are thousands engaged as domestics in the houses of the best families, and if they remain in Peru it is because they wish it." If there is such a degree of contentment with their lot, it seems to me that all that is necessary to develop the emigration your government desires, is to encourage these Chinese, now so happily and prosperously settled in Peru, to write for their friends in Canton province and elsewhere to join them, or to help them go home themselves to explain to their townsfolk what an opening is offered them abroad to better their condition. The payment of good wages and a just treatment to all this class of laborers will conclusively prove the sincerity of the present government of the republic to foster them. In a few years, if such a course was pursued, it seems to me the tide of free emigration would begin to flow thither, and those grievances which your excellency has come to China to aid, if possible, in removing by means of a treaty, would cease of themselves. However, if they cannot all be immediately removed, I cannot agree with the opinion now expressed that even if the Chinese government "should finally decide not to treat with Peru, the republic will have done her duty to herself and the world, and she will have no responsibility for anything which may occur hereafter." The existence of abuses toward the Chinese in former times in Peru is acknowledged in this dispatch, and the Chinese government, in trying to protect its ignorant subjects by preventing them engaging themselves as contract-laborers in other lands, to their own damage, is doing the same thing in fact that Peru would do to protect her own citizens, but with indifferent success compared to what the case requires. But I may be permitted to say that responsibility does and must attach to those who encourage the deportation of Chinese laborers in the manner carried on at Macao for the last few years. I have myself resided in that colony, and know something of the wrongs perpetrated upon the natives to beguile or entrap them to go abroad. I cannot believe that there is no better way to get laborers than by contracts, if it be fairly and patiently tried, and no government has a better opportunity than that of Peru to prove its success.

My own opinion respecting the unwillingness of the imperial government to negotiate a treaty with your excellency is, that if they assent and appoint an officer of

equal rank to meet you—and this step of itself involves their agreement to enter into contracts for laborers—and while the discussion with the Spanish legation during the past summer has been so excited, they are unwilling to bind themselves with a second power.

I think you would be able to remove many misconceptions in the minds of the officials by coming to Tien-tsin and discussing the whole matter with the governor-general of this province; but whether that would be suitable to your views and position you are the wisest judge.

I avail myself of this occasion to express to your excellency the assurance of my high respect.

S. WELLS WILLIAMS.

His Excellency AURELIO GA. Y GARCIA, &c.

[Inclosure 3 in No. 11.]

Mr. Williams to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, September 18, 1873.

SIR: I have the honor to acknowledge the receipt of your Imperial Highness's dispatch of the 6th of July, addressed to Mr. Low, in which you remark, (alluding to the proposal to send an officer to treat with the Peruvian minister,) "that during the ten and more years which have passed since China has made treaties with other countries, mutual good-will has been shown by all parties; and that now Peru has come for that purpose, it is requisite that she be plainly informed that until she returns all the coolies to their own country, and agrees not to hire any more, no treaty can be made with her."

As soon as this reply was received Mr. Low immediately sent a translation of it to the Peruvian minister at Japan, for his information. I have now received his reply, in which he thus remarks upon the dispatch:

"I have read His Imperial Highness's reply with great attention, and have come to the conclusion that the high officers of China have not yet learned that Peru has adopted a more liberal policy, and that new regulations were passed last year respecting the treatment of the Chinese laborers in that land. By these laws the coolies are placed on a better footing, and have the same rights as others in the courts. These changes in our policy have led to the appointment of a special envoy to the government of China, with whose officers he can personally discuss every point relating to the treatment and position of the coolies, so that hereafter they will have no occasion to complain of the unjust and cruel treatment of their employers in Peru.

"In the Prince's dispatch he states, indeed, that his government has no desire to make a treaty with Peru, and puts it on the ground of the treatment received by Chinese laborers there; but when the minister from Peru meets the one designated by China, then the latter can become thoroughly acquainted with every point connected with this whole matter. It is on this account that I again write to the United States minister at Peking requesting him to communicate these particulars to Prince Kung, and ascertain whether the imperial government will appoint an envoy, a high officer, to meet me at Tien-tsin, there to discuss these things and make a treaty mutually advantageous to both nations."

It is only what is required by common courtesy to make known to your Imperial Highness the purport of the letter which I have received from the Peruvian minister. The government of China has hitherto exhibited the most friendly feelings toward all western nations, and treated them with the respect due to herself and them; and it cannot be supposed that she will repel any one in a rude and abrupt manner.

I take this opportunity, therefore, to inquire whether His Imperial Majesty's government will designate a special officer to proceed to Tien-tsin, there to confer with the Peruvian minister, and on receiving your reply I shall be able to inform him.

I avail myself of this occasion to renew the expression of my high regard.

S. WELLS WILLIAMS.

His Imperial Highness Prince KUNG, &c.

[Inclosure 4 in No. 11.—Translation.]

Prince Kung to Mr. Williams.

TUNG-CHI, 12th year, 7th moon, 29th day. (September 20, 1873.)

Prince Kung, chief secretary of state for foreign affairs, herewith sends a reply.

I have been honored with your excellency's dispatch, in which you state: "That as

the Peruvian government has sent a special envoy to personally confer with the Chinese authorities respecting the condition of their countrymen in Peru, and their emigration, it is requested that a high officer be appointed to meet him at Tien-tsin to negotiate a treaty; further adding, that as China has hitherto treated foreign nations with friendly courtesy, it is surely very undesirable to rudely reject [the minister from Peru,] &c."

In my former dispatch to Mr. Low I plainly stated the grounds why it was not expedient for this government to make a treaty with that of Peru; and as the minister himself now requests that a high officer be specially appointed to meet him at Tien-tsin, there to confer with him and negotiate a treaty, [I can merely repeat] that His Majesty's government cannot now receive him upon the basis of making a treaty, and there is consequently no occasion for sending an officer to Tien-tsin to meet and negotiate with him.

The high authorities of each province have, however, been accustomed to receive all ministers and high dignitaries who have come to this country, whether from treaty Powers or not, with the courtesy which their position demands, as your excellency, too, yourself, very well knows. If the Peruvian envoy comes to this country, therefore, I presume that there will be no doubt but that the superintendents of trade for the northern and southern ports will not harshly refuse to meet him. But in respect to the negotiations of a treaty, (with Peru,) I can only repeat what I said in my former dispatch: "That when she returns to their houses in China all the coolies whom she has hired as laborers, and agrees to enter into no more contracts for laborers, then this government will make a treaty with her."

It is in this sense that I now send this reply for your excellency's information.

S. WELLS WILLIAMS,

United States Chargé d'Affaires to China.

[Inclosure 5 in No. 11.—Translation.]

Señor Garcia to Mr. Williams.

LEGATION OF PERU IN CHINA AND JAPAN,

Shanghai, October 10, 1873.

SIR: On arriving at this port on the 7th instant I received the note, dated 22d September, which you have kindly written to me in reply to mine of August 25, relative to my mission in this empire, and inclosing copies of your dispatch, dated September 18, to Prince Kung, and of his answer to you of 20th of the same month.

Allow me, sir, in the first place, to express my thankfulness for the promptitude with which you have taken the necessary steps near the imperial government, requesting a special interview and addressing a communication to Prince Kung, in order to remove the prejudices which seemed to exist in the high officers of the government there. Your friendly action has certainly produced this result—that the Chinese government has understood the responsibility that would weigh upon them if the envoy of Peru, sent out here with so humane and friendly purposes, was not received at Tien-tsin as the minister of any other sovereign state, whether it be or not a treaty Power. I am flattered by the hope that you will please continue lending me your good offices; and I trust it will be so with greater reason, since the representative of the United States, on account of the absence of the other foreign agents from Peking, is precisely the only one who may now be addressed by the first envoy of another American republic, who aspires with most laudable aims to enter into relations with this Oriental nation.

Your interesting note, to which I now reply, embraces various important points. I am exceedingly obliged to you for the frank expression of your opinions on Chinese emigration and the subject of contract-labor. I quite agree with you on many of them; in regard to others, there is room for discussion, and I would very much like to have, at present, sufficient time to express to you my ideas. I beg you will allow me to postpone doing so for another occasion.

Confining myself to the direct question which is the object of my own dispatch to Prince Kung, and of his answer, I see that the prince insists for the present on his first ideas about the negotiation of a treaty, but declares "that as the high authorities of each province have been accustomed to receive all ministers and high dignitaries who have come to this country, whether from treaty powers or not, with the courtesy which their position demands," the Peruvian minister may enter into communication with the superintendents of trade for the northern or southern ports.

Upon this, you express the opinion that I "would be able to remove many misconceptions in the minds of the officials by going to Tien-tsin, and discussing the whole matter with the governor-general of that province."

It follows from this that the imperial government not only does not invite me to go on to Peking, but does not even accept your suggestion of their "appointing a special

commissioner of equal rank to meet me at Tien-tsin." Allow me to say frankly that I have constantly believed, as my government now believes, that although such has been the general practice of the Chinese government, after the admission at Peking of the Austro-Hungarian envoy, and the facilities he received there, the representative of the Peruvian republic ought also to be treated with equal favor, particularly as the special affair which he comes to discuss is of such great moment.

I think, also, and you will agree with me, that bringing, as I bring, an autograph letter from the President of Peru, which I must deliver to His Majesty the Emperor, this important fact must be taken into account by his imperial highness Prince Kung, in order that my stay at Tien-tsin be as short as possible, specially in view of the approach of winter, which makes locomotion so difficult, and the unhealthiness of the place due to the last inundations.

Permit me to close this dispatch, informing you that on the 14th day of this month I shall leave Shanghai for Tien-tsin, where I beg you to favor me with your esteemed communications, (care of the United States consul,) and from where I shall forward to you my next one.

I beg to renew to you, sir, the assurances of my respect and consideration.

AURELIO GA. Y GARCIA.

[Inclosure 6 in No. 11.—Translation.]

Señor Garcia to Mr. Williams.

TIENTSIN, October 25, 1873.

MY DEAR SIR: In accordance with what I had the honor of stating to you in my last official dispatch, dated the 10th instant, I left Shanghai on the 14th, but arrived here only on the 23d, on account of delays caused by unfavorable weather suffered at Che-foo and the Taku Bar.

At the same time that I received your note of September 22, communicating to me Prince Kung's second dispatch to your legation about my mission in his empire, I received your polite private letter of September 18. Thanking you for it, now please allow me to address you the present one of the same nature, and to inform you of the steps I have taken since my arrival at Tien-tsin in connection with the object for which my government has sent me to China.

As an act of courtesy, and following the custom established by other foreign ministers, on the 23d I wrote a note to his excellency Ti-Hung-chang, announcing my arrival, and informing him that I would have the honor of presenting to him personally my respects on the next day (24th) if that time would suit him. He at once answered courteously, showing his readiness to receive me on that day, and "have a conversation with me," but fixing the hour of 4 o'clock, as he was engaged at 2 o'clock.

I made my call, accompanied by my secretary of legation and by Mr. John A. T. Meadows, as interpreter, both of whom I announced in my note to the viceroy. His excellency received me with sufficient external courtesy. * * * * The interview lasted just an hour and a half, as the viceroy after a few minutes initiated a conversation on the emigration ("carrying away," as he called it) of Chinese to Peru, and the wrongs they suffered there, which was *in toto* the repetition of Prince Kung's statements in his note of July 6, to Mr. Low, to whose communications to the Tsungli Yamun he also referred.

As you are in possession of the prince's notes, and of my dispatches to your legation in regard to them, I shall not repeat here the arguments I employed against Ti-Hung-chang's observations; the final tendency of those arguments being to make him comprehend that he was mistaken on many points; that there was untruth and exaggeration in the reports he had heard; and that, if there is a misunderstanding between our two governments, I am on the spot, representing my own, with full powers to enter into any honorable agreement with the government of China. But he said again that no treaty could be made until Peru returned all the coolies that had gone there, of whom "nine-tenths," he said, had died there; paying no attention to my replies that those assertions were destroyed by the fact of there existing in Peru about one hundred thousand Chinese; and that besides, my government could not send away against their will peaceful inhabitants who were contented with their lot, as by Peruvian law that would be deportation, a punishment only to be inflicted on criminals in virtue of the sentence of a court of justice. And when I added that such a deportation, if it were possible, would hurt the Chinese more than anybody else, as thousands of them have set up trades that give them lucrative results, the abandonment of which would make them lose the capital they have accumulated by their labor; that they are satisfied with that life, as is proved by the fact of their not leaving the country, although they possess the means of doing so, and nobody hinders them; and that when official relations are established between both countries, those facts could be observed by the

proper Chinese officers, who would be enabled to make their representations to the competent authorities, in case complaints did exist; then Mr. Ti-Hung-chang answers with great assurance, that if foreigners went to Peru their statements could not be believed; that if Chinese commissioners went, they would be detained there by the Peruvians and prevented from coming back; and that no Chinese mandarin would go. Finally, the viceroy ended as he began, by doubting all I said.

He suddenly changed the conversation by asking me whether I had visited the customs Taotai. I replied that I had not, and that as I had just announced officially my arrival to him, (the viceroy,) I expected the Taotai's first visit. On this point also there was a disagreeable discussion; and on his direct question, whether I proposed to visit the Taotai, I replied, "No; not until he visits me."

Afterward, Ti-Hung-chang asked me at what house I was stopping, and then for how long I had taken it; to which I answered I had not taken it for any fixed time. He next told me that he would return my visit to-morrow (26th) at 10 o'clock; and the conversation ended.

I have purposely entered into these details so that you may appreciate exactly the facts. In view of my last dispatch to you, written at Shanghai, and of the circumstances I now communicate, I earnestly hope you will adopt such a course as your good judgment may suggest, in order to point out to the Peking government the mistaken, and to them injurious, path they have adopted, due exclusively to the very peculiar and extraordinary manner of transacting diplomatic affairs in China.

I have come to this empire with a most honorable mission, which my government has intrusted to me. This mission directly interests the Chinese people, at least as much as it does Peru. There exists a misunderstanding between the two governments in regard to certain occurrences, true or false, which belong to the past. I am now here, which makes it possible that an understanding may be arrived at for the future between both parties.

Only a few miles separate me from the central government to which I am accredited; but before I reach Peking I meet an officer, a very high one it is true, of China, who abruptly commences to treat with me about my business, without the least knowledge of it or of my country, without telling me that he is duly authorized to negotiate with me, and who ends by saying (an Asiatic, or rather, Chinese fashion, probably,) that he doubts my statements.

I now hope that, as the season of the year does not allow me to remain indefinitely at Tien-tsin, and if I am to conduct my negotiations at Peking, I must know it within a very short time, you will do me a real service by finding out and letting me know the intentions and the way of proceeding of the Chinese government, who in any case ought to know that I have not come to beg favors of them nor to submit to their caprices.

It is painful to me to have to trouble you in this manner, but I am convinced that the present minister of the United States, who knows so profoundly the history of the middle kingdom, and who has so ably described the development of foreign intercourse in this empire, will take interest in assisting to disentangle an international situation such as probably has never presented itself before.

I shall always be happy to hear from you, officially or privately, begging you to address your communications to care of the consulate of the United States.

Thanking you again for your kind action,

I am, my dear sir, &c.,

AURELIO GA. Y GARCIA.

Hon. S. WELLS WILLIAMS, &c.

P. S.—Having learned here that M. de Geoffroy, minister of the French Republic, has returned to Peking, I also write to him to-day on the subject of the present letter.

No. 137.

Mr. Williams to Mr. Fish.

No. 12.]

LEGATION OF THE UNITED STATES,

Peking, November 24, 1873. (Received January 26, 1874.)

SIR: In continuance of my recent dispatch, (No. 9, of 6th November,) I have now the honor to send you the remaining papers connected with the adjustment of the differences between the Spanish chargé d'affaires and this government.

Soon after the date of Baron Holleben's letter of the 24th ultimo, and

the interview with the Yamun on the 30th, referred to in my dispatch, at which the draft of a protocol in two articles was presented on behalf of M. Otin, the Chinese officials, having had time to reconsider their declinature of that mode of arranging the matter, sent an informal note, signed by the prince, on the 7th instant, accepting it in substance. (Inclosure 1;) their conference with Messrs. Macpherson and Huber had probably tended, too, to convince them that M. Otin's proposal did not necessarily interfere with the freedom of their own commission, but was a courtesy required by the intercourse of nations, the rejection of which would only recoil on themselves.

The Spanish chargé d'affaires thereupon resumed his official relations with the prince, and a circular-note to this effect was issued on the 12th. (Inclosure 2.) The hesitation and unwillingness of the officials to admit, or even discuss, the articles of the first protocol were, I think, chiefly owing to their impression that, if a Spanish officer was in any way connected with their deputies, it must necessarily neutralize the whole investigation. However, every point having been cleared up, and the terms of agreement settled, a protocol in four articles was signed on the 21st instant, between M. Otin and three members of the Yamun. It insures the entire freedom of the Chinese commission when it reaches Cuba, and in the Chinese text asks the good offices and support of the local authorities in the same terms that it asks the advice of the foreign consuls. In the English text the support of the former is even more explicitly granted.

In his letter of the 21st instant, (inclosure 3,) sending me the two versions of his agreement, (inclosure 4,) he has requested my aid in the arbitration which may be necessary on the return of the commission and reception of its report. I have agreed to act on the matter, (inclosure 5,) as have also the other ministers, excepting the Russian, who is just now absent. One of the questions which will certainly be brought forward then will be the amount of indemnity to be paid by this government for damage and loss incurred by the alleged violation of its treaty obligations to allow Spanish agents to contract for coolies. This protocol carefully omits the word indemnity, but the fourth and fifth articles of the other contain the pith of what the Chinese will resist if it is demanded, as they look upon it as a mulct, because they have tried to protect their subjects from misery and disappointment by forbidding contract-emigration to Cuba.

M. Otin has left Peking to spend the winter in Shanghai and return in the spring, when he expects the return of the commission. Messrs. Macpherson and Huber are now there, ready to leave by the next American mail. I can only here repeat my strong desire that you will give all the countenance and help to this commission which can properly be given to it; but especially that you will bear me out in my promise given to Prince Kung in my reply of September 5, (dispatch No. 9, inclosure 5,) and instruct the United States consul-general at Havana to aid it in going into a thorough inquiry of the matter.

The energy shown by the Canton authorities in arresting kidnapers, and putting the people on their guard against the wiles practiced to get them down to Macao, which has so materially reduced the coolie-traffic there, is, in a great measure, owing to Mr. Low's information, given to the government here, and his remonstrances at their apathy over the great wrongs committed by native brokers. Now that the Emperor has gone further, and sent a special commission of inquiry as a further step in these efforts to restrict, if he cannot abolish, emigration by contract, it is very desirable that every encouragement be afforded its members in

prosecuting their inquiries. If the moral support and experience of the consuls of the five powers be honestly enlisted on their side, it will do much to effect an untrammelled examination, and neutralize the jealousy or intimidation which the rulers or the planters in Cuba might otherwise show. The first proposal of M. Otin to appoint two Spanish assessors, and make up a mixed commission, composed of Chinese, Spanish, and consular members, would have crippled all fair inquiry; and the Yamen was right in rejecting the proposal. But I am afraid, after all, that the Cuban authorities will endeavor in some way to make the inquiry partial, and keep the coolies out of the reach of their countrymen, or frighten them from telling the truth; and herein the foreign consuls, especially the American and British, can, it appears to me, help them materially.

Now that this government, after much urging and hesitation, has organized a commission of inquiry into the condition of its subjects abroad, it is very desirable that what is good in the effort may, by its success, so far justify the wisdom which planned it as to lead to further similar designs and attempts.

I have, &c.,

S. WELLS WILLIAMS.

[Inclosure 1 in No. 12.—Translation.]

9th moon, 18th day. (November 7, 1873.)

Prince Kung presents his compliments.

In relation to the commission about to be sent to inquire into the condition of the coolies in Cuba, it now appears that there has been a difference of views between us in some particulars, but there is a way in which the affair can now be arranged without difficulty.

The commissioners now appointed shall conduct their investigation uncontrolled by any one, but they shall confer with all the foreign ministers in Peking before leaving, as to the mode of procedure. When the commission returns it will present a clear report to the foreign office, which, after it has been carefully examined in all its details and verbal explanations, will be submitted to the body of resident ministers for their discussion. The manner of settling the affair between China and Spain must then come up for their careful consideration, for which we shall have to be further indebted.

As I write to inform you of this, I also beg to wish you happiness, and inclose my card.

Card of PRINCE KUNG.

[Inclosure 2 in No. 12.—Translation.]

Foreign office to Mr. Williams.

9th moon, 23d day. (November 12.)

The members of the foreign office present their compliments.

We have lately received a dispatch from Mr. Otin, Spanish chargé d'affaires, in which he says: The points of disagreement between the foreign office and myself have now all been submitted to the dean of the diplomatic body in Peking, who has carefully examined them and brought about an honorable and fair accord upon them all. In consequence of this, I have resumed the post and duties of acting minister of Spain.

We have replied to Mr. Otin in the same sense, acknowledging him as chargé d'affaires for Spain, and beg now, by this note, particularly to thank you, sir, for the trouble which you have taken in this affair.

Wishing you daily happiness as we write, we inclose our cards.

Cards of PAO-YUM,
MAO CHANG-HI,
and five other ministers.

His Excellency S. WELLS WILLIAMS,
United States Chargé d'Affaires.

[Inclosure 3 in No. 12.—Translation.]

*Señor Otin to Mr. Williams.*LEGATION OF SPAIN,
Peking, November 21, 1873.

M. le Chargé d'Affaires and dear Colleague: I have the honor to transmit to you herewith the bases agreed upon by the Tsungli Yamun and the legation of Spain for a definitive arrangement of our differences upon the subject of Chinese emigration under contract to the island of Cuba.

The kind mediation which you have already had the goodness to extend to us, with a view to reconciliation, now encourages me to solicit the cooperation of your experience in the conference of arbitration which is to give solution to this matter, and to beg you to obtain from Cuba, in such manner as you may deem proper, all the information which shall seem to you calculated to throw light upon this question.

Be pleased to accept, &c.,

F. OTIN.

Mr. S. WELLS WILLIAMS,
Chargé d'Affaires of the United States, &c.

[Inclosure 4 in No. 12.—Translation.]

Copy of protocol.

In the matter of Chinese emigration to Cuba, the two powers (China and Japan) have agreed on the following points:

1st. China may send a commission to Cuba to ascertain the condition of Chinese coolies. The officers thus deputed by China will prosecute their inquiries in Cuba independently and by themselves, but may ask the advice of foreign consuls and the good offices and support of the Spanish authorities.

2d. The two powers (Spain and China) will in advance request the representatives at Peking of England, Russia, France, the United States, and Germany to take the whole question into consideration, and, when the time arrives, arbitrate thereon.

3d. When the report of the Chinese officers shall have been received, the Chinese foreign board will communicate a copy of it to each of the arbitrators and to the Spanish representative; the original document will be lodged with the arbitrators at the time of arbitration. Consular reports concerning the condition of coolies, if intended to be used in evidence, are to be communicated to the Chinese foreign board and to the Spanish representative; if not thus communicated they are not to be used as evidence.

4th. The correspondence between the Spanish representative and the Chinese foreign board on the question of Cuba, coolies is to be handed to the arbitrating ministers, in order that all the points therein discussed may be together placed before the arbitrators for common and definitive settlement.

Done at Peking the 21st of November, 1873.

Sealed and signed.

F. OTIN.

(In Chinese, Mao Chang-hi, Ching-lin and Chieng-how.)

[Inclosure 5 in No. 12.]

*Mr. Williams to Mr. Otin.*LEGATION OF THE UNITED STATES,
Peking, November 24, 1873.

M. le Chargé d'Affaires, and Dear Colleague:

I have the honor to acknowledge the receipt of your letter of the 21st instant, and to thank you for the copy of the protocol which you signed that day with the three ministers of the foreign office, defining the status and procedure of the commission and the mode of final arbitration.

I beg to congratulate you upon this basis of agreement, which fully meets my view of the understanding arrived at on the 1st of August. The elucidation of the results of Chinese emigration to Cuba during the last twenty-five years will have much effect upon the whole question of contract-labor, and every one who has a regard for the welfare of his fellow-men must desire to see a full and untrammelled inquiry into the matter.

I shall be very willing to lend my aid in the final settlement of the points which may still come up between the Spanish and Chinese governments after the return of the commission, and help to bring this perplexing question to a peaceful and just conclusion.

I avail myself of this occasion to renew the expression of my great regard.

S. WELLS WILLIAMS.

Seorñ Don FRANCISCO OTIN,
Chargé d'Affaires for Spain.

No. 138.

Mr. Williams to Mr. Fish.

No. 17.]

LEGATION OF THE UNITED STATES,
Peking, January 23, 1874. (Received March 27.)

SIR: I have the honor to send you a series of papers connected with the purchase of the mission premises of the American Southern Presbyterian Mission at Hang-chow, by the gentry of that city, and I am sure that their perusal will gratify you as indicating a very friendly state of feeling toward the missionaries. They deserve to be read, too, in connection with the inclosures in Mr. Low's dispatch of October 23, 1872, (No. 202,) if only to learn the contrast in the sentiments of the people and their rulers; and this friendliness is likely to be promoted and strengthened by their co-operation with our countrymen in making the exchange.

The gentry who have paid for the mission property are probably remunerated in the value of the premises now obtained, but the way in which these literati have gone about the accomplishment of their object and the regard which they have shown to the rights of foreigners are both unusual, and give some importance to this transaction. I hope the example will not be lost as a precedent in future similar negotiations, but it can now be taken as an encouraging sign of the improved intercourse between the two parties in that city.

Hang-chow is one of the finest cities in China for situation, and was its capital for one hundred and fifty years, (A. D. 1129-1280.) So far as is known, this hill was then occupied chiefly by temples and other similar public buildings, and not by imperial palaces. It was always a spot for the resort of the people. In 1862, when the Taiping rebels destroyed the city, the temples and other edifices were all leveled on this hill, and have not yet been rebuilt, though the city is rapidly regaining its prosperity by the return of the inhabitants and restoration of the government offices.

In a visit to it in 1859, in the days of its affluence, I observed that the top of this hill was open and used by the citizens for their diversions, and that the temple grounds were of large extent. In very few Chinese cities can such a dominating spot, according to the tenets of the geomancers, be found; and if its good luck was supposed to be interfered with, no pains would be spared to remove the irritating cause. As intimated by Mr. Lord, it was probably the height, the singularity, and the conspicuousness of the mission-houses which made them obnoxious to the notions of the gentry, more than their mere existence.

I think it may safely be inferred that the adjustment of the difficulty in 1872 growing out of this cause, so different from the sad result of a similar popular ill-feeling at Tien-tsin in 1870, may in part be ascribed to the good name which the Protestant missionaries have obtained for themselves during their seven years' residence there. Nearly all of the eight missionaries living in Hang-chow have families, and they invite the people into their chapels, schools, and hospitals, mix with them daily, and are soon well known, so that when ugly rumors arise among the ignorant, this publicity has the effect of neutralizing them, and furnishes to the well-disposed arguments to induce their countrymen to examine for themselves. The present friendly arrangement, under the careful management of Mr. Lord, will not diminish this favorable opinion. The Chinese are the slaves of the mysterious cabala of the geomancers,

and yet it is impossible to get a satisfactory explanation of the laws which govern it, for it is really too crude and fanciful to bear examination.

I send you all the important documents connected with the exchange of premises, (inclosure,) and copy of my reply, (inclosure 2;) and would respectfully suggest that your opinion of Mr. Lord's conduct in the transaction may be officially made known to him.

I have, &c.,

S. WELLS WILLIAMS.

[Inclosure 1 in No. 17.]

Mr. Lord to Mr. Williams.

UNITED STATES CONSULATE,
Ningpo, November 17, 1873.

SIR: I have the honor to submit herewith, for your information and approval or otherwise, an account of a transaction recently concluded between myself and the local authorities of Hang-chow, our provincial capital.

You are probably aware that soon after the ratification of the treaties betwixt China and England, France, Russia, and the United States, a number of missionaries connected with different organizations in England and the United States located themselves in this city. As at that time it was generally supposed that the right for missionaries to reside in the interior was guaranteed by the treaties, the missionaries arranged for a permanent residence in that city. They bought or rented lands, built houses and chapels, established schools and hospitals, and arranged generally for extended and permanent work. The people appeared friendly, and the officials manifested no hostility. The city had been greatly desolated during its occupation by the rebels and the imperial soldiery; so that unoccupied lands were plentiful, and for a time not very difficult to be obtained.

The city of Hang-chow lies mostly on the plain; but there are mountains surrounding it on the west. A spur of one of the adjacent hills extends within the limits of the city wall, to the distance of half a mile or more, and is elevated in its highest parts several hundred feet. This hill, as I suppose hills in Chinese cities usually are, seems to be regarded with some degree of veneration. At least its connection with *fung-shuy* is supposed to be of great importance. Moreover, it is a kind of park or common, much resorted to by the people, especially by visitors during the provincial examinations and religious festivals. The views from this hill are pleasant; and a residence on it would be more quiet, and one would naturally suppose more healthful, than on the plain.

Influenced probably by considerations of this kind, the Reverend Mr. Inslee, at that time representative of the Southern Presbyterian Mission, sought and obtained ground situated on the northern slope of the hill on which to erect mission-buildings. Mr. Inslee's successors retained this situation, and enlarged and increased the mission-buildings. The situation of these buildings is nearly in front of, and only a short distance removed from, the office of the Fan-tai, or provincial treasurer, though at the time this circumstance was not noticed, or, if noticed, was not thought to be of any consequence. Not long, however, after these buildings were erected, there were, it is said, several cases of sickness and death in this officer's family. The idea was started, and the idea was confirmed by the government, that the *fung-shuy* had been disturbed by the position and form of these houses, and that these calamities had come upon him in consequence. The matter seems to have been discussed among the officials and their friends, and no doubt a good deal of feeling existed in regard to it. The first expression of this feeling observed by the missionaries was in the spring of last year, in the appearance of a placard denouncing foreigners and threatening all natives with punishment who should rent or sell any more places to them. A copy of this placard was sent to me, and I forwarded it with a translation to the legation. I also thought it of sufficient importance to call to it the attention of the lieutenant-governor, and urge him to repress such hostile and inflammatory proceedings. His reply was friendly, and there was no more trouble until the autumn, when suddenly warrants were issued for the arrest of all persons known to have sold or leased houses or lands to foreigners. The matter was of course at once brought to the notice of the British consul and myself, and our action in regard to it you are already acquainted with. After this storm passed, there was a calm for several months; indeed, I heard no more of the matter until the latter part of the past summer. I then had some intimation, not through the missionaries, that an effort would be made to secure, through friendly negotiation, the removal of the mission-buildings on the hill, which had really been the cause of all the previous difficulty.

A week or two later I was waited on by a deputation from the gentry of Hang-chow, accompanied and introduced by a native gentleman residing at Ningpo, who presented to me a petition (inclosure No. 1) to the effect that the mission-houses on the hill in Hang-chow were obnoxious; and that if the missionaries would consent to remove to some other place they would cause a suitable place to be procured for them, and payment to be made them to cover their expenses.

The further history of this transaction I think you will best learn from the inclosed correspondence. I will here add only one or two particulars, which the correspondence does not contain.

On my arrival in Hang-chow I called on the principal officials, namely, the lieutenant-governor, provincial treasurer, and prefect, all of whom promptly returned my calls. They all seemed well acquainted with my business there. They talked about it freely, and thanked me with apparent sincerity for the trouble I was taking in the matter. They also spoke kindly and gratefully of the missionaries, who had been willing to entertain their proposition, and who were ready to accede to their request, at the expense of their own personal inconvenience.

You will observe that the only reason assigned in the accompanying petition and dispatch of the Chinese for the removal of these buildings is that which regards *fung-shuy*. I may add that no other reason was mentioned in my conversation with them. I have the impression, however, that, in point of fact, this was not the only, and perhaps the stronger, reason. The idea of having foreigners located on the hill at all, or where they would be particularly conspicuous to officials and scholars continually visiting the hill, was to them disagreeable. While foreigners were thus in the way, the local authorities were liable to be criticised and censured for it. And it is quite possible, also, that they had some apprehensions that in time the matter might lead to some popular disturbance.

In conclusion, I may remark that in the conduct of this affair I have spared neither time nor effort to get it arranged, and arranged in such a way as would be just and satisfactory to all concerned. And so far I have every reason to believe that both parties are satisfied, both with the arrangement made and with my efforts in effecting it. The assurance of this affords me satisfaction, and this satisfaction I accept as my chief reward.

I have the honor to be, sir, your obedient servant,

EDWARD C. LORD,
United States Consul.

S. WELLS WILLIAMS, LL.D.,
&c., &c., &c., Peking.

[Inclosure 1 in 1 in No. 17.]

(Received August 5, 1873.)

Petition addressed to Mr. Lord, United States Consul, Ningpo.

The undersigned, Wang Ju-lin, Yang Hung-quen, Liu Shih, Hwang Fah-mou, Luh Yuen-ting, Yang P'u, Chow Kwang-kw'ei, and Sun I-shin, of the gentry of Hang-chow, present the following petition:

In consequence of the *fung-shuy* (or prosperous influences) of this place having been disturbed, and the minds of the people disquieted, your petitioners unite in the earnest request that you will of your clemency permit, and use your influence to effect, the change which will bring about the needed harmony.

Your petitioners regard the hill in Hang-chow, called Kwan-mi, as dominating the prosperous influences of the whole city. Hitherto, although the people have built houses on it, they have been low and small, and occasioned no obstruction to the look-out of the spot. Of late years, persons of the place sold ground to some missionaries of your country on which to erect mission-buildings; and we are well aware that to do so, and propagate religion, is permitted by treaty and cannot be prevented either by officers or people.

Now, the doctrines of geomancy, although not esteemed in the faith of your country, are, in the estimation of the people of China, of the highest value and consequence. Since these buildings were erected many untoward things have occurred among the people, owing, it is generally said, to them; which, as they stand exactly opposite to the great hall of the provincial treasurer's office, injure and destroy its aspect. Thus the minds of the people have been and continue to be disturbed in a very great degree.

Now, it seems to your petitioners that as the missionaries of your country are anxious to propagate religion they must also be anxious to pacify the people, for when people's minds are quiet religion can be diffused without limit or bounds. Wherefore we, your petitioners, unitedly pray that you will regard their request, and aid them in effecting the desired removal.

There being much unoccupied land in Hang-chow, your petitioners are willing to procure at their own expense a place such as will be agreeable to the missionaries. They will also, for the expenses necessary to be incurred in rebuilding, pay them the full price of their present buildings.

You, Mr. Consul, have resided long in Ningpo, and are thoroughly acquainted with the customs of the people; your conduct has ever been influenced by a regard for them, and they hold you in grateful remembrance. We therefore intreat you to request the missionaries to consent to exchange their location, in order that the prosperous influences there may be preserved, and the harmonies of the spot carried out. For doing this, our gratitude will truly be boundless.

A respectful petition,

TUNGCHI, 12th year, 6th intercalary moon.

[Inclosure 2 in 1 in No. 17.]

Mr. Lord to the missionaries Houston and Helm.

UNITED STATES CONSULATE,
Ningpo, August 15, 1873.

DEAR SIRS: You are aware, I suppose, that the movement in your city last year directed against natives who had transferred, or aided in transferring, houses or lands to foreigners, was at the time supposed to have originated in a particular dislike that some of the officials, and perhaps gentry, had to your position and houses on the hill. It is true that this fact was not mentioned to me and my colleague in the discussions that we had with the officers at that time. Still, we knew well enough that the difficulty had originated there.

The movement referred to was unreasonable and anarchical; for which reason, perhaps, we were the better able to get it arrested; the magistrates, themselves, no doubt becoming alarmed when called to face the storm they were raising. After our protests no further arrests were made, and the persons already arrested were soon released; moreover, the proclamation deemed necessary to quiet the minds of the people was issued in accordance with our request. From that time to the present, so far as I know, there has been no action on the part of the officers or people calculated to disturb foreigners.

However, I have suspected that neither the officers nor people were, or would be, satisfied to have your houses remain where they are, and recently this suspicion has been confirmed by a petition presented to me asking for their removal. I will briefly state the history (so far as it is known to me) and import of this petition, before expressing any opinion in regard to the attention which it should receive.

About a month ago, a native gentleman of this place, of high standing and influence, called on me and stated that the gentry of Hang-chow had consulted with him in regard to the mission-houses on the hill in that place, and the possibility of getting them removed. He did not state to me what advice, if any, he had given to the gentry of Hang-chow. But he said that they had decided to bring the matter before me; they would unite in a petition, and they would be glad to present their petition respectfully through a deputation representing their body, if I would permit them. I replied, of course, that if they had any grievance in regard to the matter referred to, which they wished to present to me, they had a right to present it, and it was my duty to give it the consideration it might deserve. As for the deputation, this did not appear to me a matter of much importance; still, if they chose to send one, I had no objection; it might supplement their petition, and explain more fully what they wanted.

About a week ago this deputation, consisting of three gentlemen from Hang-chow, and the gentlemen above mentioned, belonging to Ningpo, waited on me, and presented their petition. The petition contained the names of the three gentlemen present from Hang-chow, and five others, who, it was said, would also have been present but for the difficulty of leaving home. Both the petition and the statements of the deputation convinced me that the matter was by them considered of very great importance.

It was stated that the houses occupied by your mission on the hill were but a short distance from, and over against one or two of, the principal official residences; in consequence of which, according to their notions, the *fung-shuy* was disturbed, and their residences were rendered liable to the visitation of evil influences. It was said, too, that Hang-chow was the provincial capital, and also the residence of a large number of officers and scholars, by whom the doctrine of *fung-shuy* was universally and sincerely believed, and by whom the regulations in regard to it were considered to be of very great importance. Now these regulations, it was said, were violated by these houses being where they are. The officers and people, therefore, were anxious to get them removed. But, in asking to have them removed, they were willing to indemnify their owners for any loss that they might sustain. They would see that they were provided

with a suitable place elsewhere, and be enabled to erect (or they would erect for them if they preferred) buildings as good as those that they now have. In short, they would leave me to decide what was just and reasonable in the matter of compensation. This is the history and import of the matter as it has come before me.

Now, in presenting it for your consideration, I will call your attention to a few points which I think you should keep in view.

I. In the first place, it is a settled question, so far as the Government of the United States is concerned, *that missionaries have no treaty-right to reside in China elsewhere than at the open ports.* This matter has to some extent been misunderstood. But it is known now that the clause in the French treaty, from which it was supposed the right of missionaries to reside in the interior was derived, does not exist in the French text, which alone, in cases of discrepancy, is to be regarded as authoritative. Moreover, irrespective of the French treaty or any other, our Government has decided that it is impolitic to claim from the Chinese government rights for missionaries not claimed for other citizens. I mention this fact as one important to be borne in mind in settling difficulties of this kind. The Chinese are dissatisfied with your present location on the hill, and they ask you to exchange it for one somewhere else. You may have thought, and so you may very naturally say, "We are here by *right*; why, then, are we asked to remove?" But just here is the mistake. "Your right," replies our Government, "to reside on the hill, or in Hang-chow, at all, is only such as the Chinese give you. We are willing and pleased to have you reside there, if you can do so with their consent." Now, it seems hardly necessary for me to add, that in order to obtain and secure this consent it may be necessary at times to concede something to their prejudices. To reside on the plain with their consent and good will I should judge to be far better policy than to insist on remaining on the hill without them.

II. I remark, in the second place, that, however little or much the ruling classes at Hang-chow knew or cared about your position on the hill at first, there can be no doubt but that it has now become among them a matter of notoriety and concern. The present movement is proof enough of this. I think that all classes of Chinese in Hang-chow are peaceably disposed toward foreigners; but they are, of course, capable of being irritated, and, with this standing cause of irritation among them, it would be no strange thing if in time it led to the disturbance of the peace you now enjoy, or even to acts of wrong and outrage. Indeed, my opinion is that the feeling on this subject is already too deep and wide-spread to be safely ignored.

III.—The present method adopted by the Chinese to get rid of what is to them a grievance seems to be just, and even generous. It admits that your being where you are is no fault of yours. It is a mistake, (as they look at it,) harmless perhaps to you, but disastrous to them. They courteously ask you to change your location, and they offer to pay your expenses in doing so.

IV. By your acceding to their proposition, I think I can secure to you a location that will in most respects, if not in all, be as eligible as that which you now have; and, in addition to this, succeed in placing you and all the missionaries in Hang-chow on a safer and better footing. In this way the conflict that commenced a year ago will be well ended, and the Chinese will have had at least one proof that the better way to redress their grievances against foreigners is not by violence and wrong, but by law and order; and if this lesson is learned by them to any extent, you cannot fail to see how great a boon it must be to us all.

V. In conclusion, I have to say that I am strongly of the opinion that you ought to accede to the request that the Chinese have made. I think it will be for your own interest, and for the interest of your fellow-missionaries. And I suppose I hardly need say that, if you do accede to their request, I will use my best endeavors to secure you every interest and convenience that may seem just and practicable.

The Chinese are anxious to have the matter decided as soon as possible; so I trust you will let me hear from you on the subject at your earliest convenience.

I am, sirs, your obedient servant,

EDWARD C. LORD,
United States Consul.

Rev. M. HALE HOUSTON,
Rev. B. HELM,

Missionaries of the Southern Presbyterian Board of Missions, Hang-chow.

[Inclosure 3 in 1 in No. 17.]

Rev. B. Helm to Mr. Lord.

HANG-CHOW, August 22, 1873.

RESPECTED AND DEAR SIR: I have the honor to acknowledge the receipt on yesterday (21st) of your recent communication to Mr. Houston and myself, with regard to a

petition presented by some gentlemen of Hang-chow, who desired through you to secure the removal of the foreign houses occupied by the Southern Presbyterian Mission on the hill known as the *Kwan-me* hill.

The above-mentioned letter I have forwarded to my colleagues, and our mission will act on the matter and return you an answer as soon as possible. In the meantime, permit me to express to you individually my thanks for your kind and full letter.

If the gentlemen who waited on you are really *authorized* to act for the citizens of this city, then my own opinion is that, owing to their courteous manner of relieving themselves of what they consider to be a grievance, it becomes our duty as Christians and citizens to comply, notwithstanding the great inconvenience and injury we must necessarily experience in the change proposed. If left to our own free will, we would not for any sum of money again spend our time in brick and mortar instead of preaching Christ crucified to perishing souls. Money cannot compensate this; but duty may demand it. Secondly, the healthiness and comfort of our present place would by no means be relinquished merely for money, did not some higher motive enter. Both of these considerations ought to be borne in mind when any estimate of our loss is considered.

Building now costs (I am safe, I think, in saying) one-fourth to one-third more than when we built. Stone and tiles and wood and brick are all selling much in advance. For example, tiles sold for \$18 per ten thousand are now \$23.

I should feel it necessary, in entering into any agreement of so much importance and delicacy, that you should give it official sanction on the one side, while in some way it should receive the same on the native side, that there might be confidence; and in case of perfidy, redress might be obtained.

The native gentlemen ought to secure us a lot in a part of the city both healthy and suitable for our work, else as missionaries we could not occupy it; and we should keep possession of our present premises till we had houses in the new ones suitable to move into, when they could do as seemeth them best with the present buildings. Your official sanction should be a guarantee to them of good faith on our part.

You will excuse me for making these suggestions now, while they occur to me. They may assist you in any conference with the native gentlemen. I have no authority to speak for our mission as a body, but feel sure it will accede to your request, so courteous and just under the circumstances. If further negotiations are proceeded with, I suppose it would be necessary to ask you to continue to act for us, or at least counsel with us, and give your sanction to what may be done. Our mission can appoint a committee to confer with you, and settle the terms as well as select the site, if it accedes to the request. It would be useless to prove that, according to their own belief, one of our houses is not in front, and could not interfere with the *fung-shuy*.

If the *body* of the people and officials are determined on a change, we ought to yield. And the petition seems sent in, and a speedy answer required, so as to have the opportunity during the examinations of abating a nuisance *anyhow*, should we refuse. Mr. Houston is in Chefoo and Mr. Du Bose in Shanghai. Your letter has been forwarded, and an answer will be returned as soon as possible. In the meantime I have the honor to remain, respectfully, yours,

BEN HELM.

E. C. LORD, Esq.,
United States Consul, Ningpo.

P. S.—Might I request the names of the parties who visited you? We here could readily tell whether they are representative men, or of a family who gave Mr. Jenkins trouble, and whose head was an official at Tien-Tsin at the time of the massacre. I judge the case is as they represent it, but it would be a satisfaction to us to be sure it is so in acting.

Respectfully, yours,

B. H.

[Inclosure 4 in 1 in No. 17.]

Rev. M. H. Houston to Mr. Lord.

HANG-CHOW, September 9, 1873.

DEAR SIR: On my return here to-day, from Chefoo, my colleague, Mr. Helm, and I consulted together about the proposition made by certain of the Chinese in this city, through you, which was communicated to us in your favor of August 15, *viz*, that the property now held by the Southern Presbyterian Mission on the hill in this city be given up in exchange for property in another part of the city. Your letter had been forwarded to me in Chefoo by Mr. Helm, and on my arrival here to-day he read me his reply, and also your second letter of August 26. I have only to say that the views expressed by Mr. Helm in regard to the matter are my own, and while I feel,

as a missionary, that it is a grievous thing to be turned aside from our high and distinctive work to engage in the task of laying out land and building houses, I do not doubt that it is our duty to accept the proposition which has been made, and I trust we shall find that any sacrifice we may now make will not be without its reward.

Mr. Helm and I decided, on consultation, that I should write to you, definitely accepting on the part of our mission the offer for an exchange of property; provided, of course, that the offer made by the Chinese should prove *bona-fide*, and the terms such as would be judged fair and equitable. Having arrived at this decision, we desire, for reasons that will no doubt readily occur to you, that the arrangement which is proposed should be carried out at as early a day as practicable. And as it may serve to expedite matters to let you know at once what terms would seem to us just in the matter, Mr. Helm and I agreed that we should submit to you the following points as constituting a basis for what would be to us a satisfactory arrangement.

They are, in the main, only two: 1. That a piece of land of equal extent with our present property, (seven mow, or about one and one-sixth acres,) situated in a locality that is healthy and suitable for carrying on mission-work, should be made over to our mission by a clear title, officially sanctioned. We would prefer, if the Chinese are willing, to make our own selection among the unoccupied lands that are in the plain; the selection to be approved by them. Of course, any expense incurred in making over the land to us or in the conduct of any part of these negotiations should be borne by the Chinese. 2. That the sum of \$10,500 (Mexican) should be given us, to be used in inclosing this land and erecting on it buildings for the mission. It is evident that it would not do for us to leave the erection of these buildings to the Chinese. They are without experience in putting up foreign buildings; and apart from this, the buildings we would wish on the new land would be of a different plan from those we now have. Our present buildings were planned to conform to the narrow plateaux on which they are built, and, of course, the plan would not be the best for a broad and level site. We would expect to be left to plan and build for ourselves. As to the sum mentioned, I may say that Mr. Helm and I made a careful examination to-day of the accounts of the mission, to ascertain the amount that has been actually expended by our mission on the property here. The whole amount expended, as closely as we can estimate, is \$10,162, including the cost of the land. The land we now have is more valuable than any we can obtain in exchange, both on account of its favorable situation and also on account of the expensive stone revetments which support the different plateaux. In addition to this the price of building-material, as Mr. Helm informed you, has risen very considerably since our houses were built. And when we consider these circumstances, and also the fact that in the estimate of expenditure we have not reckoned the time and labor spent by Mr. Helm and myself in improving our present property, not to mention the time and labor we must give in carrying out the proposed arrangement, we feel sure that the sum mentioned (\$10,500) is the very least we ought to ask in compensation for the property we are called on to give up. Were it merely a question of pecuniary interest, we could not think of accepting such an exchange; but as other considerations indicate plainly the duty of acceding to the propositions of the Chinese, we desire that our negotiations may be conducted with them in all points so as to show them that we aim to be liberal and fair. I might mention that our dwelling-house here, which is set down in the estimate of expenditure at \$3,000, was estimated by Mr. Brown, an architect of Shanghai, who visited Hang-chow last year, to be worth \$5,000. The Chinese always express surprise when we tell them the actual cost of this house. In conclusion, I would say that Mr. Helm and I desire very much that you will favor us with your presence here when the negotiations take place. And I need not add that, when you come, Mrs. Houston and I will expect the pleasure of entertaining you in our house.

Begging leave to express my appreciation of the very kind spirit you have evinced toward us in this matter, I remain, with much respect, your obedient servant,

M. H. HOUSTON.

E. C. LORD, Esq.,
United States Consul, Ningpo.

[Inclosure 5 in 1 in No. 17.]

Mr. Lord to Rev. M. H. Houston.

UNITED STATES CONSULATE,
Ningpo, September 16, 1873.

SIR: Your communication, dated the 9th instant, has reached me only to-day; though a letter from your colleague, written a day later, reached me two days ago.

I am glad to learn that the view taken of the matter in question, by yourself and colleagues, so entirely agrees with my own. If the Chinese are sincere and earnest in

their proceedings, as I think they are, I see no insurmountable obstacle in the way of its accomplishment.

With you, I should like to have the matter arranged as soon as possible. But at this time the examinations are commencing, and during this period the officials at Hang-chow will necessarily be much occupied. So I am at present inclined to wait until the hurry of these is over. Then, should I in the mean time have received sufficient guarantee that my visit at Hang-chow would be likely to be attended with success, I shall endeavor to lose no time in coming up. At present I suppose I have all the guarantee that is absolutely needed; but I wish the matter to be more openly *official*. And more time will be needed for this.

I have given attention to the statement you have made regarding the kind and amount of indemnity needed. I have, I need hardly say, entire confidence in your wish to deal fairly in the matter, and it will be my aim to secure to you, so far as I am able, everything that shall appear to me just and reasonable. It is not unlikely, however, that I may have some difficulty in accomplishing all that you, or even I, could wish.

That I may have every means to enable me to form an intelligent judgment myself, and also of explaining this judgment, if needs be, to the Chinese, and to our minister at Peking, I shall be glad if you will furnish me with a detailed account of your present grounds, size, original cost, the number and kind of buildings you have put on them, their original cost, the amount you have expended in repairs, the condition the grounds and buildings are now in, the probable difference in the cost of building now and at the time your buildings were erected, &c., &c. In fact, anything relating to past cost and the present value of the premises you now occupy will be acceptable and useful. If anything should occur to change my plan as to the time of my coming up, I will give you the earliest possible notice of it. Very many thanks for your kind offer of hospitality. I should cheerfully avail myself of it unless it should, for reasons of policy, seem desirable that I should stop elsewhere. In that case, my plan is to make my headquarters at the "Keyer House." As I should have much to do with the Chinese, and perhaps with the officials, it might be better for me to be by myself.

I am, sir, your obedient servant,

EDWARD C. LORD,
United States Consul.

REV. M. HALE HOUSTON,
Hang-chow.

[Inclosure 6 in 1 in No. 17.—Translation.]

Koo, intendant of circuit, to Mr. Lord.

Koo, by imperial appointment, intendant of the Ning-shao-tai circuit, makes the following communication:

On the 28th of the seventh month, (September 19,) I received from his excellency Yang, lieutenant-governor, a communication, in which he states that on the 8th of the seventh month, (August 30,) he received a petition from the gentry of Hang-chow, in which the petitioners state:

"Hang-chow is the chief city of the province of Che-Kiang, and the hill in it, called *Kwan-me*, influences the *fung-shuy* of the whole city. Hitherto the houses of the people on it have been low and small, and have therefore occasioned no harm.

"But some time ago the people there sold ground to some American missionaries, on which they have erected mission-buildings. This, to be sure, is not forbidden by the treaty; but since these buildings were erected, there have been in the city many disastrous fires, and frequently dangerous diseases. Those skilled in *fung-shuy* assert that this has been occasioned by these newly-built mission-houses, which, being high and formidable, convert the good influences into those that are bad, and thus occasion much harm. In consequence of this, rumors and complaints have been rife among the people. We, your petitioners, living in the same place with the people, and seeing them in this condition, are not able to be indifferent to it.

"We suppose the object of these missionaries in propagating religion is to exhort men to virtue; but if you want men to be virtuous, you must first secure to them tranquillity. Unless the minds of the people are tranquil, how can they propagate religion? At present the minds of the people are much disturbed, and some method should be at once adopted to quiet them.

"After much and careful consultation, it is our opinion that a piece of ground must be procured elsewhere for the missionaries, and they be persuaded to remove to it. At the same time, the original cost of their land and the expenses occasioned by their removal must be fully refunded to them. And now, this summer, we will go together to Ningpo, and in connection with Ch'an Ching-yoh, of the gentry there, wait upon Mr. Lord, the American consul, and request him to communicate with the missionaries, in-

forming them that this is for the harmony of the people, both Chinese and foreigners. Moreover, to make this exchange would be of no harm to the missionaries, while to the people of Hang-chow the benefit would be great. We trust that the missionaries will cheerfully comply.

"Wherefore, we unitedly pray that you will send a communication to the intendant of circuit, requesting him to communicate with the consul, that he may rightly direct the missionaries. At the same time let a commissioner be sent to Ningpo, who, in connection with Ch'an of the gentry there, may enter into negotiations and arrange for securing another place. And in regard to indemnity, let Mr. Chan, together with the commissioner, make all needful arrangements; so that the matter may be accomplished, the minds of the people tranquilized, and the *fung-shuy* be entirely protected."

Now, in reference to the foregoing petition, I have to say that I find that it is stipulated in the twelfth article of the treaty that—

"Citizens of the United States residing or sojourning at any of the ports open to foreign commerce, shall be permitted to rent houses and places of business, or hire sites on which they can themselves build houses or hospitals, churches and cemeteries. The parties interested can fix the rent by mutual and equitable agreement; the proprietors shall not demand an exorbitant price, nor shall the local authorities interfere, unless there be some objections offered on the part of the inhabitants of the place. The legal fees to officers for applying their seal shall be paid. The citizens of the United States shall not unreasonably insist on particular spots, but each party conduct with justice and moderation."

According to this language, the treaty does not prohibit foreigners renting lands and building houses. But in this case, as there is objection on the part of the inhabitants, it is feared there would be difficulty in preserving harmony long betwixt the two parties. Now, as the gentry of Hang-chow are willing to indemnify the missionaries for their land, and for the expenses they will incur by their removal, and also to procure for them a piece of unoccupied land elsewhere, on which to build new houses, this seems truly to be for mutual harmony, and in accordance with right principle. So, in compliance with their earnest and urgent request, I think the matter needs immediate attention. Therefore, besides appointing Chu Meu-ts'ing, an expectant district magistrate, to act in concert with Ch'an Ching-yoh in procuring another place, and in arranging the matter of indemnity, I write you, to request that you will at once communicate with the American consul, and ask him to lay this matter before the missionaries, and to use endeavors to induce them to consent to remove, in order to meet the wishes of the people and promote harmony.

Having received the above communication, besides writing to the prefect at Ningpo, asking his co-operation in the matter, I have the honor to address you, and to request that you will, without delay, bring this matter before the missionaries, and use your best endeavors to induce them to remove, in order to meet the wishes of the people and promote harmony. Hoping your immediate attention.

An important communication, addressed to Edward C. Lord, United States consul, Ningpo, in the 12th year of Tungchi, 8th month, and 4th day, (September 25, 1873.)

[Inclosure 7 in 1 in No. 17.]

Mr. Lord to Koo, intendant of circuit.

UNITED STATES CONSULATE,
Ningpo, September 30, 1873.

SIR: I beg to acknowledge the receipt of your excellency's dispatch, dated the 25th instant, informing me that you had received a communication from his excellency Yang, the lieutenant-governor, in which he states, "I have received a petition from the gentry of Hang-chow, to the effect that," &c.; and requesting me, in accordance with the instructions contained in said communication, to bring the matter referred to before the missionaries, and use my endeavors to induce them to consent to remove, in order to meet the wishes of the people and promote harmony.

In reply I have to say that wherever missionaries go, in accordance with the treaty, to propagate religion, their object is to exhort men to do good and to be on terms of amity with both officers and people. Inasmuch as those who give attention to the art of *fung-shuy* regard the missionary-houses on Kwan-me hill as harmful; and as the gentry are willing to secure for the missionaries residing there another place, and to indemnify them fully for the expenses of their removal, I have deemed it right to address a communication to said missionaries, and to advise them to consent to remove, in compliance with the wishes of the people.

Moreover, as the commissioner, Chu, waited on me on his arrival at Ningpo, I have arranged with him as to the time when I will go to Hang-chow in order to arrange the matter with the missionaries in connection with him and Mr. Chán.

I have the honor to be, sir, your obedient servant,

EDWARD C. LORD,
United States Consul.

His Excellency Koo,
Intendant of Circuit, Ningpo.

[Inclosure 10 in 1 in No. 17.]

Rev. M. H. Houston to Mr. Lord.

SOUTHERN PRESBYTERIAN MISSION,
Hang-chow, October 8, 1873.

SIR: I have the honor to submit herewith the estimate of indemnity to be paid this mission in consideration of its present location on the hill being given up in exchange for another. As I wrote you in my letter of the 2d instant, I was assisted in preparing the estimate by the advice of Mr. Moule and Mr. Lyon, of this city, especially of the former, and you will see that both of these gentlemen indorse the estimate as, in their opinion, just and reasonable. I mentioned to you in my letter that the amount of the estimate, as calculated according to the plan recommended to me by Mr. Moule, really exceeded the amount of the estimate now submitted; but as my colleague and I had at first agreed on the latter amount as being a sufficient indemnity, I thought it best to leave it at this figure. Mr. Moule, who has had more experience in building than any other foreigner in Hang-chow, remarked to me yesterday that he thought the amount mentioned in the estimate was the very least that would be required to put the mission in as good a position as it is now. You may, therefore, regard the estimate which is now submitted as giving the minimum that the mission would consider it just to receive; and if the Chinese are disposed to deal fairly with us, as your letters to us have led us to trust they are, I do not see how they can demur to giving us all that is here claimed.

I inclose herewith the name of a locality where there is a vacant piece of ground, which would suit our purposes. It is on the plain, in a quiet part of the city, and is more than half a mile from the office of the lieutenant-governor, which is the nearest of the government offices. I know of no reason why the Chinese should object to our having this for our new location.

I would ask your attention to the last item of the estimate, that which proposes to include your traveling expenses and your fees. The sum annexed to this item is, I take it, manifestly too small, and I put it in this way that you might change it, and of course with it the amount of the estimate, as may seem to you proper.

I am, very respectfully, your obedient servant,

M. H. HOUSTON,
Southern Presbyterian Mission.

E. C. LORD, Esq.,
United States Consul, Ningpo.

Estimate of indemnity to be paid the Southern Presbyterian Mission in Hang-chow, in the even of its present property on the hill being given up in exchange for another location, on the plain in the city.

Property.	Present value.
I. Eastern compound:	
a. Chapel.....	\$850
b. Mission-residence, with kitchen and servants' room.....	4,700
c. Girls' school-house and out-houses.....	1,575
d. Wash-house, coal-house, stone gate, &c.....	95
e. Clearing ground and sifting dirt.....	100
f. Wall of inclosure.....	500
g. Stone steps leading to residence.....	14
h. Stone steps leading to school-house, with wall.....	31
i. Capping interior wall.....	15
j. Stone revetment supporting upper plateaux.....	230
k. Masonry originally on premises and still standing.....	275

Property.	Present value.
II. <i>Western compound:</i>	
l. Wall of inclosure	\$110
m. Clearing ground and sifting dirt	15
n. Boys' school-house and out-houses	1,940
Total present value of property, exclusive of land	10,450
x. To meet fees of consul and expense of moving, (subject to revision by Dr. Lord)	50
Total indemnity in money	10,500

In addition to the money indemnity, seven mow of suitable land to be given the mission on the plain of the city.

REMARKS ON THE ABOVE ESTIMATE.

a. The chapel is a brick building 41 feet by 32 feet, erected in 1871. The cost of the materials used in this building, with the Chinese labor employed, was \$505. Since the erection of this and the other buildings of the mission, the price of building-materials has, in general, advanced. For bricks, which we bought at \$55 per 10,000, we are now asked \$62, an advance of 12 per cent. Stone, which we bought at 40 cents per 10 Chinese feet, is now 60 cents per 10 Chinese feet, an advance of 50 per cent. Tiles, for which we paid \$18 per 10,000, now sell at \$21, an advance of 16 per cent. Plank, which we bought at \$1.05 per 10 Chinese feet, has risen to \$1.20 per 10 Chinese feet, an advance of 14 per cent. Timber, for joists, which we bought at taels 0.032 per square foot, is now selling at taels 0.045 per square foot, an advance of 14 per cent. Other materials are about as when we bought.

b. This dwelling-house, built in 1871, is a two-story brick building with a verandah extending along the western and southern sides, and a portico over the main door on the north. It contains eight rooms of uniform dimensions, viz, 18 feet by 16 feet by 12 feet, with halls 8 feet wide above and below stairs; attached to the house is a two-story brick building, lower than the dwelling, in which are the kitchen, servants' room, store-room, &c. The materials and Chinese labor used in constructing this house cost \$3,000. It was inspected soon after it was built by Mr. Brown, architect, of Shanghai, who estimated its value at \$5,000.

c. This school-house is a one-story brick building, erected in 1870, 69 feet by 32 feet in dimensions. It contains 8 rooms of varying sizes and a hall. Attached to it is a brick building used as a kitchen and dining-room. Of the cost of the materials of this building, which was not erected by the present members of the mission, we have no account.

d. The cost of material and Chinese labor in these improvements was about \$90.

e. The actual cost of these improvements was about \$100.

f. The actual cost of wall of inclosure was \$500.

g and h. The money expended in these improvements, was, respectively, \$12 and \$29.

i. The money expended on this wall was \$15.

j. The money spent on this revetment was about \$200.

k. The estimated value of two stone revetments, one 206 feet long and averaging 7 feet in height; the other, 30 feet long and 5 feet in height.

l. The cost of materials and Chinese labor on this wall was \$100.

m. Fifteen dollars was the sum paid for this improvement.

n. The boys' school-house, erected in 1872, is a two-story brick building, 44 feet in length by 30 feet in breadth. Outside of this is a verandah extending along the eastern and southern sides. The out-houses include a kitchen, wash-house, &c. The cost of materials and Chinese labor on this house was \$1,422.

x. Of this sum \$25 was intended to cover the expense of moving to the new location. The balance is submitted to the consul, to increase as he may judge proper.

The above estimate of indemnity submitted on behalf of the Southern Presbyterian Mission is, in my opinion, just and equitable.

M. H. HOUSTON,
Southern Presbyterian Mission of America.

I have examined the above estimate and consider it fair and equitable.

G. E. MOULE,
English Christian Mission Society.

I consider the above a reasonable estimate.

D. N. LYON,
American Presbyterian Mission.

Since the above was written a statement has been received from Mr. R. C. Brown, architect, of Shanghai, giving his opinion of the value of the dwelling-house, (b,) which is inclosed herewith. If this opinion is accepted it is easy to see the above estimate

is below rather than above the true mark. Apart from the dwelling the money actually expended by the mission on the land and its improvements is \$5,462. This, added to the value of the house, makes \$10,462. Add to this the cost of moving, \$50, and the increase in the cost of building-materials since Mr. Brown saw the house, viz, 15 per cent. of \$5,400 = \$810, (\$5,400 being the cost of the materials used on the premises,) and we have an aggregate of \$11,322. Now, deduct from this the value of seven mow of land on the plain, say \$322. Mr. Moule bought between six and seven mow of good land on the plain for less than \$300, and was told by the official that he had paid double the true price for such land. Reckoning, therefore, \$322 a good price for seven mow, we have a balance of \$11,000 as the money indemnity. And this, it must be noted, without giving anything like a true compensation for the labor and time of the foreigners who have superintended the purchase of the land, and the erection of the various improvements.

M. H. HOUSTON.

Copy of Mr. Brown's letter referred to above :

Mr. Brown to Mr. Du Bose.

SHANGHAI, October 3, 1873.

MY DEAR MR. DU BOSE: In answer to Mr. Houston's inquiries respecting what I consider the value of his Hang-chow premises, as I saw them in 1871, I should say, for dwelling-house and servants' houses attached, \$5,000; and for the boundary-wall and small buildings, about \$500.

Of course I was only a few hours at the place, and did not make any memorandum for this estimate, which, however, I think a fair one as I recollect the premises. An architect would supply plans and details for perhaps 4 per cent., the regular charge being 5 per cent., which includes inspection, and that he could not give, except at great expense of time and traveling; but plans sufficiently clear for any one to work would be given for 4 per cent., I should say. The cost of Oregon pine, per superficial foot, 1 inch thick, is about tael cents $4\frac{1}{2}$ per foot; Japan, about $2\frac{1}{2}$ cents. Foochow and Hankow poles about 18 feet long, by mean diameter of 6 inches, about taels 1.50 apiece. Singapore tongued and grooved flooring $4\frac{1}{2}$ inches wide, on Oregon joists 6 by 3, costs about taels 12 to 13 per 10 feet square.

Yours, truly,

RICH. C. BROWN.

[Inclosure 11 in 1 in No. 17.]

Mr. Lord to Koo, intendant of circuit.

HANG-CHOW, October 28, 1873.

SIR: On the 25th ultimo I had the honor of receiving your excellency's dispatch of that date, informing me that you had received a communication from his excellency Yang, the lieutenant-governor, in which he states: "I have received a petition from the gentry of Hang-chow to the effect that," &c., &c., and requesting me, in accordance with the instructions contained in said communication, to bring the matter referred to before the missionaries, and use my endeavors to induce them to consent to remove, in order to meet the wishes of the people and promote harmony. To this communication I replied at the time.

I have now to inform you that I arrived in this city on the 11th instant, since when I have been daily occupied, in connection with the two missionaries, Messrs. Houston and Helm, and the commissioners, Messrs. Ch'än and Chu, in selecting a building-site for said missionaries. The place we have fixed upon is in the jurisdiction of the Jän-hwo magistrate,* lying in the division called Wei-so, northwest of the T'ien Ham-chow bridge, and measuring about 10 mow, ($1\frac{3}{4}$ English acres,) as measured by an agent sent from the office of the district magistrate, ground that belonged to the people. At the request of the gentry the district magistrate has made out the deed of conveyance, which has been handed to me, and which I have delivered to the missionaries. The title-deeds held by the missionaries to the property on the hill have been given up to the commissioners, to be delivered to the lieutenant-governor. In regard to the indemnity to be paid the missionaries for expenses attending their removal, and cost of rebuilding their houses, although at first, while at Ningpo, I expressed the opinion that it might be \$5,000 or more, yet, since coming to Hang-chow, observing the extent of their buildings and examining the accounts relating to them, I find that their claim amounts to \$11,000. And I have to request that you will communicate this fact to his excellency the lieutenant-governor, with the request that he will direct the gentry to

* Jän-hwo is one of the two districts into which the city and environs of Hang-chow are divided.

pay into my hands this amount, that I may hand it over to the missionaries, that they may be enabled at once to commence erecting their buildings.

As soon as the missionaries are able to remove from their present position on the hill I will inform you, that directions may be given to the commissioners to receive and take charge of the buildings and appurtenances thereto.

Respectfully requesting your attention to the contents of this letter, and the communication of the same to his excellency the lieutenant-governor, I have the honor, &c., &c.,

EDWARD C. LORD,
United States Consul.

His Excellency Koo,
Intendant of Circuit, Ningpo.

[Inclosure 12 in 1 in No. 17.]

Petition of the Hang-chow gentry, addressed to the prefect.

Petitioners respectfully state that the Kwan-me hill, in the city of Hang-chow, is regarded as affecting the fung-shuy of the entire city. Some time since, the American missionaries erected some mission-buildings there, which the experts in fung-shuy say, being high and formidable, have converted the good influences into those that are bad, causing the minds of the people to be disturbed. Petitioners having consulted together, agreed that they would procure another place for the missionaries, and endeavor to persuade them to remove to it. At the same time they would indemnify them for all the expenses of their removal. They then petitioned the lieutenant-governor to address a communication to the intendant of circuit of Ningpo, requesting him to communicate with Mr. Lord, the American consul there, asking him to co-operate with the commissioners, Messrs. Chu and Ch'ân, in arranging matters with the missionaries. The missionaries, comprehending fully the great principle involved, have signified their willingness to remove, and a piece of ground has been selected within the jurisdiction of the Jan-hwo magistrate, in the Wei-so division, and near the T'ien Ham-chow bridge. An agent has been sent from the office of the district magistrate to take its measurement, and purchase it from its owners. A title-deed has also been issued and conveyed to the missionaries, that they may erect buildings thereon.

Inasmuch as the Kwan-me hill is connected with the fung-shuy of the whole city, the matter is one of great importance.

Now, this matter has been effected by friendly negotiation, and the missionaries have consented to remove, from a desire to promote harmony. As they are about to commence erecting their houses, lest people in the neighborhood should not fully understand the matter, petitioners pray that you will issue a proclamation informing them. This will be really meritorious.

Dated the 12th year of T'ung Chi, 9th month.

[Inclosure 13 in 1 in No. 17.]

Mr. Lord to Rev. M. H. Houston.

HANG-CHOW, October 28, 1873.

DEAR SIR: Your communication, dated the 8th instant, accompanying your "Estimate of indemnity to be paid the Southern Presbyterian Mission in Hang-chow in the event of its present property on the hill being given up in exchange for another location, on the plain, in the city," reached me on my arrival in this city four days later.

I took the earliest opportunity to examine said estimate, and to lay the result before the commissioners appointed by the lieutenant-governor to arrange these matters with me. The request that I made of them was that they should select and secure to you a lot of land on the plain as large as the aggregate of those you now occupy on the hill, and situated so as to suit your convenience; and, in addition, to pay you for the expenses and trouble likely to be incurred in making the exchange desired a money indemnity, amounting to \$11,000. This claim was not objected to as unfair; but a good deal of time and labor have been required in selecting and securing the ground, and in completing the arrangements. But I have at last the pleasure of informing you that the matters are all adjusted.

I hand you herewith a title, under the seal of the district magistrate, for the ground in question. And the money, I am authorized to say, will be paid at such times as will, I suppose, suit your convenience, viz: \$5,000 on the 10th day of the present Chinese

month; \$4,000 on the 20th day of the first month of the next Chinese year; and \$2,000 when you vacate the premises you now occupy, which it is expected you will do as soon as your new buildings can be erected.

Of the \$11,000 to be paid to you, \$10,450 are intended to cover the claims of your mission; \$200 I have deemed it fair to add for personal losses and inconvenience; and \$350 is a small commission charged for my services.

I have arranged to have a proclamation issued by the lieutenant-governor, showing that the exchange you have made has not been forced, but voluntary, and as the result of friendly negotiation.

I trust the matter as thus arranged will meet your approbation, and that the result will be to place you and your fellow-missionaries in this city in safer and more friendly relations with the ruling classes of the Chinese.

I am, &c., &c.,

EDWARD C. LORD,
United States Consul.

REV. M. HALE HOUSTON,
Hang-chow.

[Inclosure 14 in 1 in No. 17.]

Rev. Mr. Houston to Mr. Lord.

SOUTHERN PRESBYTERIAN MISSION,
Hang-chow, October 29, 1873.

SIR: I have the honor to acknowledge your favor of yesterday, accompanying the title-deed for the land to which it has been agreed this mission shall remove, and informing the mission of the arrangement which has been made for paying the money indemnity of \$11,000. I beg to say, on behalf of the mission, that the arrangements which have been made for us in the matter are in all respects satisfactory to us; and we are glad to avail ourselves of this occasion to convey to you our appreciation of the judicious and skillful manner in which you have conducted the negotiations relating to our affairs.

I beg to inclose with this a bank-check (Chinese) for \$350, the sum mentioned in your letter as the commission for your services. We regard this as a very small charge for the continued attention you have given to a business which, we are aware, has made heavy demands on your time and patience.

You will also please find inclosed another check for \$60, which my colleagues here and myself hope you will accept from us, to be used in purchasing some article of silver, according to your taste, to serve as a small token of the personal regard which we entertain for you, and as a memento of the transaction which has just been happily brought to a close.

We would ask you to have engraved on it, if convenient, the following inscription: "Presented to Dr. E. C. Lord, United States consul, by the members of the Southern Presbyterian Mission in Hang-chow, in token of kind services rendered by him to the mission in the year 1873." We regret that our situation renders it impossible for us to attend to this ourselves, but we trust that you will kindly oblige us in carrying out our request when you may find it convenient.

In conclusion, we feel ourselves bound to acknowledge with gratitude the good hand of God which has brought this mission safely and prosperously over the difficulties attending our position in this city, and which now opens to us the prospect of a quiet and, we trust, useful residence here. Recognizing in you the instrument through whom these benefits have been brought to us, I would renew to you, on behalf of my colleagues and myself, the expression of our high esteem, and remain, sir, with much respect,

Your obedient servant,

M. H. HOUSTON,
Southern Presbyterian Mission.

E. C. LORD,
United States Consul, Ningpo.

[Inclosure 2 in No. 17.]

Mr. Williams to Mr. Lord.

UNITED STATES LEGATION,
Peking, December 23, 1873.

SIR: I have to acknowledge the receipt of your dispatch No. 40, with its various inclosures, relating to and explaining the various steps taken by you and the American

missionaries at Hang-chow, with the native gentry and their rulers, to bring about an amicable settlement of the points of issue connected with the location of the mission premises, and the satisfactory settlement of the case.

Few are the occasions on which it has been so agreeable for me to reply to the report of a consul as to his conduct of a case as the present, and I not only congratulate you on its satisfactory termination, but regard it as proving that the missionaries settled in Hang-chow have won for themselves the good opinion of the gentry in the city and the respect of the rulers. It would not, of course, be wise to infer too much from this incident, as to the feelings of the people of Hang-chow; but the precedent which has been given by them as to the most desirable mode of arranging a question with foreigners, is of itself calculated to promote other like mutual concessions. Your long residence at Ningpo, and freedom in carrying on correspondence and conversation with the officers in their own language, have both peculiarly fitted you for bringing about an equitable settlement; and to your own satisfaction in feeling that all parties are content with the arrangement made, and your efforts in it, which you accept as your chief reward. I beg most cordially to add my approval of what has been done, and shall have pleasure in bringing it to the notice of the State Department. I shall be pleased to have you inform Messrs. Houston and Helm that their readiness to go through the labor of rebuilding the mission premises, in order to remove the irritation of the citizens, and the scrupulous care they have taken in getting the just valuation of their buildings and improvements, are worthy of commendation. I hope they will find increased facilities for their work in the greater favor of the people.

I am, sir, respectfully, your obedient servant,

S. WELLS WILLIAMS.

EDWARD C. LORD, Esq.,
United States Consul.

No. 139.

Mr. Williams to Mr. Fish.

No. 19.]

LEGATION OF THE UNITED STATES,
Peking, February 9, 1874. (Received April 28.)

SIR: I have the honor to send for your information the translation of a dispatch received about four months since from Prince Kung, (inclosure 1,) who therein upholds the report of the intendant at Shanghai, protesting against the action of the Great Northern Telegraph Company, whose managers had opened a station at Woosung, and taken up the cable between there and Shanghai. The intendant had applied to the consular body to interfere in the matter, and restrain the telegraph company, whose agents had, without regarding the agreement made between Mr. Wade and the Yamen at Peking, erected their poles between Woosung and Shanghai. The consular body referred his complaint to a committee, whose letter in explanation of the thing, and report of their personal interview with him, are inclosed as the best explanation of Prince Kung's dispatch, (inclosures 2 and 3.)

This was sent as a circular to all the legations, and the general understanding was that the best course was to let it remain unanswered. If a discussion arose, the proceedings at Woosung could not be defended according to the terms of the agreement referred to in it, which had, however, been made with special reference to an English line. Its privileges had been used by the Danish company, which was first in the field. The general terms of this agreement are given in Prince Kung's dispatch and the other inclosures, and confined all telegraphic operations to hulks and submarine cables.

The intendant has taken no steps to remove the poles since the interview described, and the people along the river-bank have now become accustomed to their appearance there and in the settlement. No one has any apprehension, therefore, of a repetition of the acts of 1864, when

they were all taken up in a night by the country people, with the connivance of the intendant, because they interfered with and injured the good luck of the region.

Moreover, as a good thing is always its own best argument and vindicator, the native merchants at Shanghai have begun to employ the telegraph to carry on their business with Hong-Kong and Canton and Japan to such a degree that they desire no interruption to the line; and this public opinion has its influence with the intendant. We shall, I think, now that several months have passed, hear no more of the matter.

* * * * *

I have, &c.,

S. WELLS WILLIAMS.

[Inclosure 1 in No. 19.—Translation.]

Prince Kung to Mr. Williams.

TUNGCHI, 12th year, 8th moon, 19th day, (October 10, 1873.)

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication:

I received a dispatch on the 2d instant from the superintendent of trade of the southern ports, inclosing the following report to him from Chên, intendant of circuit and collector of customs at Shanghai:

"It has lately come to my knowledge that a foreign telegraph-office has been opened at Woosung, and that telegraph-posts have been erected to connect with the submarine cable laid between Hong-Kong and Shanghai, the end of which has been landed there for that purpose. The treaty makes no mention of the telegraph, and I therefore referred to the dispatch in which the Yamen communicated to the superintendent of trade the agreement they had come to respecting it in June, 1870, with Mr. Wade, the British minister. This was to the effect that the cable was to be a submarine cable, the end of which was to be made fast to a hulk to be moored outside of the foreign anchorage. The opening of a telegraph-office at Wu-sung, and the erection of telegraph-posts for the reception of a cable which has been brought on shore there, being nothing else but a rejection of a water in favor of a land line, and, as such, being distinctly at variance with the agreement providing that the cable should terminate in a hulk to be anchored outside of the port, I immediately wrote to the British consul and requested him to order their removal.

"He replied that the office was the property of the Great Northern Telegraph Company, and that the way to proceed in the matter would be to communicate officially with the board of foreign consuls through Mr. Seward, the United States consul-general, who, from length of residence at Shanghai, was at present the chairman of the board.

"In his reply, Mr. Seward, the United States consul-general, stated that the case against the Great Northern Telegraph Company had been referred by the board of consuls to a committee composed of the British and Danish consuls and himself, and that he would be glad if I would fix upon a day to meet and discuss the case.

"I met the British consul and the United States consul-general by appointment on the 4th September last, and I pointed out to them that, in terms of the rules laid down, the telegraph-office at Woosung must be closed, the line of telegraph-posts removed, and the cable made to terminate in a hulk to be moored outside of the port of Woosung. I further showed that the Great Northern Telegraph Company, in unauthorizedly taking upon themselves to construct a line at Woosung, were acting in direct opposition to the rules agreed upon by Mr. Wade, the British minister, and the foreign office; and I represented that, if the consuls did not prevent their doing so, it was to be feared that other mercantile communities would disobey the instructions issued by their minister resident at Peking in a way calculated to lead to constant breaches of the treaty and its regulations. I added that if the merchants were to be allowed to do as they pleased in such matters, it would be very difficult to conduct international questions between China and foreign powers.

"To this the British consul replied, that as the Danish consul was not present it would be better to postpone for a time further discussion of the case. The United States consul-general, who was present at this interview, did not dissent from this suggestion. But although a considerable time has elapsed since the date of that meeting, not a word further has been heard on the subject; I therefore," adds the superintendent of trade, "now request instructions how to act in the matter."

In regard to the above, the foreign office would observe that no provision was made in the treaty for the construction of lines of telegraph between the treaty ports along the coasts. They therefore must refer to the letter from Mr. Wade, the British minister, in 1870, concerning telegraphy, which he then addressed to the foreign office, in which he referred to a dispatch from Lord Clarendon, the foreign secretary of state, in which he said that the telegraph-offices in England were anxious to ascertain whether they could obtain permission to lay cables between Shanghai and the treaty ports of Canton, Swatow, Amoy, Foo-chow, and Ningpo. They had in all their proposals in doing this, meant a line which could be carried by land from place to place; but that the present arrangement was totally different, as it contemplated laying a submarine cable along the coast, the end of which *only* was to be landed to connect with a foreign establishment on shore.

In replying to this note of the British minister, I pointed out that the question of introducing telegraphs into China was attended with great difficulties; but stated that no opposition would be offered to the laying of a submarine cable along the coast, provided the end of it was not brought on shore and did not in any way touch ground at the treaty ports. I further observed that it was only by clearly defining the limits within which telegraphic operations in China might be carried on, that one could hope to avoid future complications.

In his rejoinder, the British minister stated that he had signified to the telegraph agent sent out, for the information and guidance of his principals, that the end of the cable must not be brought on shore, and that, to prevent possible complications, it was essential that means should be devised for carrying out the project within the limits imposed.

It follows, therefore, that the Great Northern Telegraph Company, in opening an office at Woosung, and in erecting telegraph-posts, or, in other words, in bringing the cable on shore, and in thus constituting it a land instead of a submarine cable, have acted in direct opposition to the rules laid down in the note of the British minister above quoted; and as the case has been referred to the United States consul-general, the British consul, and the Danish consul, it is requisite that instructions should be sent to these officers to have the proceedings of the telegraph company put a stop to.

In view, therefore, of the report that has been forwarded by the superintendent of trade of the southern ports, it is my duty to request that your excellency will direct the consul-general that by the agreement of 1870, the telegraph-posts and telegraph-office belonging to the said company must be at once removed from the places in which they are now standing.

[Inclosure 2 in No. 19.]

Report of committee in the Great Northern Telegraph Company matter.

SHANGHAI, September 10, 1873.

In pursuance of a resolution passed at a meeting of the consular body held at the United States consulate-general on the 27th of August, 1873, to the effect that Messrs. Seward, Johnson and Medhurst should seek an interview with the Taotai for the purpose of ascertaining his actual views in respect to the telegraphic communication lately opened between Woosung and Shanghai, Messrs. Seward and Medhurst called upon the Taotai on the 4th of September, 1873.

The Taotai was attended by Chän, the mixed-court magistrate, who took an active part in the conversation.

Messrs. Seward and Medhurst directed their efforts toward discovering how far the objections raised by the Taotai in his official letter were positive as against the institution of telegraphs generally, or were only officially put forward with the object of setting himself right with his superiors in respect to the particular line objected to.

The Taotai disclaimed any desire to oppose telegraphy in general. He referred to the so-called agreement with Mr. Wade, and declared it to be the sole ground of his objection. He was bound, he said, in duty, as well as for his own sake, to see that the understanding come to by the Tsung-li Yamun was strictly acted upon; and if the consuls could only arrange so that the views of the telegraphic company were carried out in accordance therewith, he would be satisfied. He was even prepared, he said, to stretch a point, if the consuls would on their part defer to his objection.

He admitted the existence of other lines in the settlements, but he argued that these did not afford any precedents, seeing that they were within the boundaries allotted to foreigners, and had not been made the subject of agreement. It was urged that the line objected to was upon property owned by foreigners, and in no way prejudiced any rights, private or public. But he could or would not see how this affected the question; an understanding had been come to, and it could not be departed from by the one side without the consent of the other. It was then suggested that, as he had performed his duty by protesting, he might rest satisfied with the mere protest; but this he declined to admit. His duty, he pleaded, extended to seeing that his protest was

effectual, otherwise he could not set himself right with his superiors. It was then argued that the understanding, if any, had long ago been broken through by previous Taotais; for, as a matter of fact, the line had been landed from the very first, and run into the company's premises, in Nanking road. The breach of agreement having thus been condoned, it was too late now to raise objections. To this he replied, that any failure of duty on the part of his predecessors could afford no excuse for his following in their footsteps. The vast utility of telegraphy, as an institution, was also enlarged upon, but without effect; the Taotai entirely admitting its benefits to the public at large, but reverting to the necessity of keeping faith in the matter of the particular agreement entered into by the Tsung-li Yamun.

On the whole, Messrs. Seward and Medhurst were compelled to come to the conclusion that the Taotai had no personal objection to the innovations which have been ventured upon by the Great Northern Telegraph Company, but that he had been driven by the public attention which had been unfortunately drawn to the line to enter his protest against it. That to this protest the Taotai is likely to adhere pertinaciously, and that it can only be met by the consuls with an explanation, so prepared as to free the Taotai from responsibility, while it carries conviction to the superior authorities, to whom he is responsible.

With this impression the consuls for the United States, Denmark, and Great Britain have drafted a dispatch, which they propose should be addressed to the Taotai, in reply to his communication, and they recommend it for the adoption of their colleagues.

W. M. MEDHURST.
F. B. JOHNSON.
G. F. SEWARD.

[Inclosure 3 in No. 19.]

Mr. Seward to the Taotai.

SHANGHAI, September 30, 1873.

SIR: I have had the honor, as senior consul, to receive your communication, dated the 19th of August last, in which you call attention to the fact that the Great Northern Telegraph Company have recently established a station at Woosung, and have carried a wire along the line of new road, between that place and Shanghai, and request the consuls to require the immediate removal of both station and wire, on the ground that the extension of the telegraph to Shanghai was permitted on the express understanding that the end should not be landed anywhere upon the shore.

I have placed this letter before the consuls, and have now to communicate to you their response.

The company alluded to is Danish. Its lines connect with the Russian telegraph, and in this way that government is interested.

As a consequence, the matter is one which more directly concerns the Danish and Russian consuls; and if your protest is to be further urged, it would with more propriety be addressed to them.

As, however, the general question of telegraphic communication intimately concerns the entire commercial interests of the port, the consuls have given the subject their most careful consideration, and, on their behalf, I am to state the opinion that you are attaching great importance to a very simple proceeding, which in no way injuriously affects the public welfare, and to request your attention to the following considerations:

The new road between the anchorage and Shanghai (which, after all, is only 12 miles long) is the property of foreigners, who have acquired the land in the usual manner, and subscribed funds for its construction, their object being to secure quick communication between Shanghai and the shipping at Woosung.

The manager of the telegraph company, finding that the cable which had been laid along the river's bed between Woosung and Shanghai was often broken in consequence of fouling the anchors of the numerous vessels which frequent the stream, applied to the road proprietors for permission to take the wires along the road. Their consent was obtained, and the new line formed. The posts are placed wholly on foreign-owned lands, and, therefore, in no way interfere with the rights of the Chinese government or of the people; and the convenience of the company and of the business of the port has been materially benefited.

I am authorized to say further, that it is by no means foreigners alone who have derived advantages from the lines of the Great Northern Telegraph Company. Chinese merchants employ them very extensively, and the supreme and provincial governments have had occasion to invoke their valuable aid.

The consuls believe, indeed, that the telegraph is an appliance, the utility of which cannot be overrated, and against which no arguments worthy of consideration can be adduced; and they have no doubt that in view of the whole case you will accept this explanation and refrain from pressing the matter.

I have, &c.,

GEORGE F. SEWARD.

No. 140.

Mr. Williams to Mr. Fish.

No. 20.]

LEGATION OF THE UNITED STATES,
Peking, February 12, 1874. (Received April 28.)

SIR: The reduction of the last stronghold of the Mohammedan rebels, which have controlled the northwestern provinces of Shensi and Kansuh more than ten years, is an event of so much importance here that I have obtained a translation of the official report of Tso Tsung-tang and Kinshun, the governor-general and commander-in-chief of those provinces, which I now inclose (inclosure 1) for your perusal. The city of Suh Chan lies very near the extreme western gate of the great wall, in the province of Kansuh, about eighteen hundred miles from Peking, and controls the travel through that gate into the regions across the desert to Hami. Owing to its distance from the thickly-settled parts of the province, and its proximity to the Mohammedan tribes, the difficulty of reaching it with an army well provisioned and armed has heretofore baffled all the efforts of the imperialists, and it resisted long after their forces had taken other cities held by the rebels. A glance at a map of China will show you that Suh-Chan is likely hereafter to become the key to the possession of much of that part of Central Asia lying north of Thibet, as it now is to this government of those regions still under its sway.

The merciless nature of Chinese warfare is shown in this memorial, and the rancor of war was aggravated in this rebellion by the bitterness of religious bigotry, in which the Mohammedans excelled. There is no reason for doubting the statements here given, and as the rebels had themselves given no quarter, I suppose they expected none.

The insurrection thus ended has left large portions of these two provinces nearly depopulated, and years must elapse before they can recover from the desolations of war. In cases where these rebels, who are said to be all pure Chinese and not Turks, met bodies of native Catholics in their progress, they are reported to have always spared their lives if not found in arms.

The capture of Suh Chan brings to an end all organized rebellion within the borders of China proper, or the eighteen provinces. It began in 1848 in the towns lying west of Canton City, and through the mismanagement of the provincial authorities its leaders waxed stronger and more desperate, and under the name of Taipings (great peace) nearly succeeded in dismembering the empire. They were finally subdued in 1865, after the capture of Nanking.

The Mohammedans rose in array in the southwest and northwest, where they set the imperialists at defiance for ten years or more, but are now no longer formidable, and the few chiefs who may have escaped with a small following will not be able to gather head in those devastated districts.

The manner in which orderly government, trade, and rebuilding of ruined towns has revived in those departments in the valley of the Yangtse, which were left almost like a wilderness in 1855, leads one to hope for a similar reviving in the western provinces.

I have, &c.,

S. WELLS WILLIAMS.

[Inclosure 1 in No. 20.—Translation.]

CAPTURE OF SUH-CHAN IN KANSUH.

Tso Tsung-tang, imperial commissioner and governor-general of Shensi and Kansuh, created earl of the first class, with Kinshun, former commander in chief at Uliasutai, kneeling, implore the sacred glance upon this memorial, reverently prepared and forwarded by special courier, reporting the reduction of the city of Suh-Chan, the restoration of perfect quiet by the destruction of the Mohammedan rebels, both resident and stranger, with their chief and leaders, and the measures taken for restoring order.

Your servant Tso Tsung-tang has already reported the movements of the imperial forces from August 23 to September 18, 1873, at which date they had invested and laid siege to Suh-Chan, gaining frequent advantages, and reported his own arrival before Suh-Chan October 3.

I then established my headquarters two-thirds of a mile south of the city, and next day I made the circuit of the investing lines to take a general survey. The encampments of our several commands encompassed the city, completely investing it, but, the besieging force being weaker and more scattered outside the northwest and south gates, the Chinsi and Fuchung battalions, brought up by me, were ordered to occupy those positions.

The commanders all agreed that this opportunity ought to be improved to storm and raze the place and thereby end [the rebellion.]

We ourselves judged that the mine prepared by Kinshun at the northeast angle would be ready for explosion simultaneously with the general assault; and detached Sung-Ching to join the assault there, while Tso Tsung-tang, at a spot where the wall at the southwest angle had crumbled under our shells, directed Sü and Yang to choose a picked force and fill up the ditch, so as to scale the wall over the rubbish, at the same time drawing up the entire force, lest the rebels should cut their way through by a sudden sally.

Ma-sz, the Mohammedan rebel chief, seeing from the wall that I was making final dispositions to attack him, was greatly alarmed; and on the 4th October sent out a petition by a messenger to Sü, in the Kwei-hwa division, praying that he might be protected and given permission to go out beyond the extreme western pass of the Great Wall to induce the rebels there to submit and be forgiven. We, knowing his treachery, did not grant this, but returned his petition with the indorsement requiring him to issue a proclamation notifying the old and young, matron and maiden, who would save their lives, and sincerely wished protection to come to the camp for examination and such disposition as we saw fit. This answer to Ma-sz was not followed by any proclamation on his part.

October 7, at 1 o'clock a. m., Sü and Yang took command of their troops and filled up the ditch, during which the report of the cannon and small-arms firing on them from the wall was incessant. Brigadier Laichang and others steadily returned their fire from breech-loading pieces, and destroyed not a few of the enemy. At 5 o'clock, the ditch being filled, the assault was made. Yang, taking command of his troops, advanced gallantly, and reached the breast of the wall; but the rebels, taking advantage of their higher standing-ground, fought desperately, the bullets and blocks of stone raining down in showers, so that our troops could not gain the top of the wall.

At day-break the mine under the northeast angle was sprung, and Lieutenant-Colonel Changlin bravely led the charge with a picked force, breasted spears and stones, and stormed the wall. The rebels in a compact force fought to the death. Changlin, after receiving several deep spear-wounds, fought on, covered with blood, till he was struck by a bullet and killed.

The next day (October 8) Sü and Yang each mined the southwestern wall, Brigadier Laichang and his captains maintaining a steady fire from breech-loading pieces upon the masses of rebels, while your servant Kinshun, with Sung-Ching, attacked with foreign siege-guns the northeast curtain, and Tso Tsung-tang gave orders to get a heavy gun into battery at the northeast angle to fire night and day. Each of these officers destroyed great numbers of the rebels.

At 5 a. m., on the 12th October, the mines prepared by Sü and Yang, respectively, being completed, were fired simultaneously, and Yang, with a body of veterans picked from the several commands, led the charge, supported by a brigadier, leading the Fuchung battalion. They assaulted repeatedly and destroyed great numbers of the rebels, but the latter had opened a deep trench obliquely across the terreplein, planting the outside with spears cheveaux-de-frise, and crouched behind it waiting till our troops scaled the wall, when they met us with continued volleys. Upon our forces receiving this slight check, Yang bravely seized a sword, put himself at the head of his men, and had gained the terreplein, when a bullet pierced him to the brain. The soldiers bore him back to camp, and he died the next day. Sü, seeing Yang severely wounded, bravely led the columns again to the attack, but only to meet a fresh loss of

over 2,000 men killed, besides more than 500 of the gun-train wounded. Such are the facts regarding our attacks upon Suh Chan from the 6th to 11th of October.

Both of us were of opinion that as the rebels had but this single city left them, all succor cut off, and their provisions exhausted, they could not possibly escape extermination. We, therefore, judged that rather than imperil our good troops in fruitless assaults, it was better to run fresh parallels, shell the wall with breech-loading guns, while our men mined the wall in fresh places, and thus reduce the city.

At this juncture Lin Kin-tang reported for service at Kau-chan, and I [Tso Tsung-tang] ordered him up with several battalions to aid in the final conquest, informing him that the resubjugated Mohammedans, originally belonging to this very body of rebels, and now enrolled in his Futing battalion, could be used to great advantage.

On the 24th of October your servant Kinshun detailed from his force a body of veterans, who stormed a breach in the northeast wall and threw up barricades across the terreplein, thus cutting off the passage of the rebels back and forth upon the wall. The fearless enemy for days bravely attempted its recapture, but were always repulsed with great slaughter by our foreign fire-arms and heavy guns. From the south and west gates of the town the old and young, both Chinese and Mohammedan, flocked out to our camps, begging for their lives. They were examined in detail by your servant Tso Tsung-tang, and I learned that provisions in the city were exhausted, the rebels slaughtering their horses and asses to appease their hunger, while the old folk and children begged the skins to cook, and thereby keep body and soul together. Unknown numbers had perished from starvation. These had heard that the imperialists did not slay children, females, or aged, and had therefore stolen out of the city to save their lives. I thereupon established a bureau near the river-bank to take charge of and support them while awaiting final disposition.

Lin Chin-tang arrived on the 30th with five battalions of the contingent from the province of Hunan, and the resubjugated Mohammedans, and I ordered him to encamp outside the south gate. Several Mohammedan officers daily galloped their horses past the city wall, shouting to Ma-sz and the other rebels "Your time is come; look well to yourselves!" Ma-sz himself knew that his escape was cut off, and implored that he might come out of the city and return to his allegiance.

On November 4 he came in person to my headquarters, and, with his head in the dust, prayed for his life. Kinshun and the other generals had seats on the dais at the time. We told him that his crimes were now past pardon, and that he would have done better to follow our previous instructions. He was told first to deliver up his arms and horses, and afterward make a complete muster-roll of the local and enlisted Mohammedans, all of whom were to await trial and further disposition. We further ordered him to lead the Mohammedan chiefs in companies to the camp to wait our commands. Ma-sz assented and subsequently surrendered 1,170 halberds, poleaxes, cannon, and gingals, in all numbering several hundreds, with over a thousand spears and swords, and tridents without number. There were only 70 cavalry-horses; as he said that, being for days in extreme hunger, they had killed and eaten the lean and starving, and only these remained.

We had the enlisted Mohammedans produce separate muster-rolls, specifying their nativity; the natives of Kanchan were to leave by the east gate and be mustered by Sung-ching; those from beyond the Great Wall and Shachan were to be mustered by Kinshun; and the natives of Sining, Hochan Siünhwa, and Shensi province were to come out by the south gate, and be mustered by Lin and Sü, whose men were to separate the males and females, and place them in the abandoned batteries adjacent. In the night of November 10th the Mohammedan leader Chin, with some scores of rebels, stole out of the great north gate, but I (Kinshun) attacked him with my troops and cut them to pieces; Chin being decapitated upon the spot.

The mustering was completed on the 11th, and on completing the rolls, the number seeming very large, there were struck off the names of 1,100 native Chinese, male and female. At 3 o'clock p. m. the next day, I (Tso Tsung-tang) ordered the nine chief criminals to be brought out with Ma-sz, and, after their crimes had been proclaimed, they were cut to pieces. At the third report of the signal-gun from headquarters all the 1,573 enlisted Mohammedans, the ruthless originators of these calamities, were successfully decollated in rows under our inspection.

The same night the several corps entered the city and set it on fire; bullets and spears did their work, till the whole local Mohammedan population, numbering more than 5,400, save about 900 females, children, and old-folk, were given to the flames; and peace reigned in Suh-Chan.

On the 13th, Shi, the intendant of the Ngansi-Suh-Chan circuit, with Li, the acting prefect of Suh-Chan, made their entry into the city. Everywhere were corpses and skeletons, those of infant and aged pillowed and heaped on each other; the maiden and the wife had far from escaped violation, while in the confusion of the night sword crossing sword had not distinguished friend from foe.

Ten years have elapsed since the Mohammedan rebels usurped possession of Suh-Chan. The trouble was at first a feud between the inhabitants and the native Mohammedans.

Afterward two of them, Ma and Lan, received so-called investiture as high chiefs from To Teh-lin, their leader, and the flames of devastation spread yet wider. After Lan's death, Ma, with a band of Sining hunters as a nucleus, banded together the Sola Mohammedan tribe, with the desperadoes from Sining and Hochan, and seized this city, as a place where his communications would be open both within and without the Great Wall to the western gates. To-wei on the western road, with Ma Hing-yuan and Pen-yuan on the central road, and on the eastern road Ma Hwa-shing, all helped him to keep up his connections in the center. On the occasion of his return to allegiance, and receiving a Chinese command, he changed his name to Ma Chung-liang, but his real name was Ma Wän-lu, while he went familiarly by the name of Ma-sz. At the date of that submission there were still in Suh-Chan 30,000 Chinese not Mohammedans. The able-bodied of these were cruelly slaughtered by this rebel chief, and their wives and daughters insulted or enslaved. There remain at present, male and female, only some 1,100 aged and decrepit. The enlisted Mohammedans, who adhered to him from beyond the Great Wall in Sha-Chan and Hami, included the red-turbaned aborigines, and inside the Great Wall those of Sining, Hochan, and elsewhere with the roving Mohammedans of Shensi, the whole aggregating some 20,000, of whom half were fighting men. The Chinese force daily grew weaker, and the Mohammedan bands constantly gathered head, till it appeared as if the rising would end by our finally losing the whole region.

General Sii commenced their extirpation in 1871 with his army, fighting his way forward through Kanchan and Koatai, with scores of battles of greater or less magnitude, till he drove them together into this one city. Your servant Kinshun came to his assistance and completed the investment. The blockade became still closer upon the arrival of Sung Ching's force. With the fall of the Tung Kwan their supplies were gone, while with the retirement of those rebels operating beyond the western pass in the Wall assistance from without was cut off, yet they still had the hardihood to cling obstinately to this last point, swearing to the last to fight to the death. This illustrates their life-long tactics, their independent and untamable disposition, different, indeed, from those of other rebels.

Happily Your Majesty's far-reaching combinations have now caught them in their meshes, and rebels who for years have escaped the ax have now been executed, as their muster-roll was called, like sheep or pigs in their pens, not one escaping. The merits of the several hosts of our army are so great that it is almost needless for your servants to pray your sacred bounty to bestow liberal promotion and distinction.

Your servants now respectfully present their joint memorial and forward it by special courier to report the resubjugation of Suh-Chan, the execution of the execrable prisoners, and the complete pacification of those parts of Kansuh lying within the Great Wall, and humbly pray that Your Majesty, having cast your sacred glance thereon, will issue instructions as to the further action to be taken.—*Peking Gazette, December 28, 1873.*

No. 141.

Mr. Williams to Mr. Fish.

No. 25.]

LEGATION OF THE UNITED STATES,
Peking, March 30, 1874. (Received May 26.)

SIR: A Roman Catholic bishop, whose diocese comprises a part of Manchuria and the region contiguous to Corea, has lately reached Peking from Newchwang, and brings an account of an entire change in the government of Corea within the last three months, and the removal of the ruler who has usurped the chief authority during the past fifteen years. The principal facts, as he reports them, tally very well with some statements made years ago, and bear the appearance of authenticity, though many details yet remain to be supplied.

It is known that about fifteen years ago the succession of the reigning house of Ti to the throne of Corea became extinct, and the government came into the hands of the Queen Dowager. She sought out a remote scion of the house of Ti, and adopted a lad of eight years old as the heir-apparent, whose own father and grandfather were still living. This boy's father managed by force and fraud, ere long, to engross the

entire authority; and his son and the Queen Dowager became mere ciphers in his hands. It would seem that, stimulated by a feeling of insecurity in his seat, he began to oppress the people and remove his enemies. He took umbrage against everything foreign, especially foreign books and teachings, and the extension of foreign trade. In 1864 he exercised greater severity, and, as is well known, about that time began a deadly persecution against the Roman Catholics, putting to death hundreds and hundreds of native converts, and killing eleven foreign priests. The proceedings of Admiral Rose, in 1866, not being followed up by any ulterior measures on the part of the French, he took courage, having, as he supposed, repelled both the Russian and French ships. It appears that a Russian man-of-war had come on the eastern coast of Corea in 1864, which remained there a long time for the purpose of opening negotiations in respect to the new frontier between the two countries of Russia and Corea, near Port May and Possiet, but her mission was unsuccessful.

The result of the visits of American men-of-war, in consequence of the destruction of the "General Sherman," and especially of the United States expedition in 1871, were all regarded as a great triumph, by this usurper, who had, as he supposed, delivered the kingdom from subjugation by foreigners, and asserted the prowess of his army. But after the American flag had retired from his coasts, and there was time to review the whole affair, the more sensible part of the rulers began to see it in a different light. The members of the annual embassy had also had an opportunity to confer with the Chinese rulers at Peking, and learn from them all the real nature of Mr. Low's attempt to open amicable relations with their sovereign. At any rate we know that some of the Coreans in this city last year purchased many copies of all the books about foreign countries, including the monthly magazine published in this city, to carry back with them.

The conclusion now reported is, that the legitimate king and his adopted mother in conjunction with the ruling nobles of Corea, have compelled the usurper Ti to retire, and have assumed control. The change has been brought about without bloodshed, and the bishop (Monsignor R.) looks forward to a peaceable state of their missions, seeing that the new authorities are favorably disposed toward foreigners and Christianity.

He reports that the disastrous and bloody result to the Coreans of our attack on Fort McKee was used as a strong argument with Ti, of the uselessness of his resisting foreign nations, whose weapons and tactics were so superior to theirs, and their resources so great. On all these points there is much, no doubt, to be learned, but there seem to be full grounds for believing the report of an entire change of government in that kingdom.

I have, &c.,

S. WELLS WILLIAMS.

No. 142.

Mr. Williams to Mr. Fish.

No. 34.]

LEGATION OF THE UNITED STATES,
Peking, May 29, 1874. (Received July 18.)

SIR: In Mr. Low's dispatch, No. 221, of 10th January, 1873, he sets forth the disadvantages and complications likely to arise from per-

mitting citizens of the United States to enter the military and diplomatic service of Japan; and in your reply of 3d April, you state that the Department has no authority, by law, to prevent them from entering the service of a foreign power. Referring to these two letters, I have now to relate the particulars of a conversation which took place at the interview referred to in my last, which bear upon this point.

With curious inconsistency, the Chinese officials brought forward the employment of American officers and ships by the Japanese in their descent upon Formosa, as a violation of the spirit of Article I of the treaty of Tien-tsin, when they had not themselves deemed that act to amount to a declaration of war. How can the United States permit her citizens to help and direct Japanese troops, they asked, when this article provides that if another nation acts unjustly or oppressively toward China, she will try to bring about an amicable arrangement between them? Even if it was not so stated in the article, this permission, in their view, involved a complicity in those acts of injustice or oppression which its spirit was intended to adjust, if not restrain. To this I replied, that it was fairly implied in the spirit of the article that the United States must be the judge, in a measure, of the nature of those acts here called unjust or oppressive; it was never designed that she should interfere until she knew the facts and reasons for them, and could do so intelligently. The wording of the article involved a full hearing of the matter at issue; and it was hardly applicable in the present instance, as they admitted that they had received nothing from the Japanese government in explanation of their intentions. I then inquired if Soye-shima had not discussed the matter with them when he was in Peking last year? They answered that he had said nothing to them about his government sending a force to occupy any part of Formosa, and they would not admit that he had discussed the question of the wrongs suffered by Japanese subjects at the hands of the savages there. But it is generally known that there was considerable talk upon these points at that time, and Mr. Low's dispatch (No. 264) of June 13th conveys the impression that the Japanese ambassador had then stated his grievance, and the redress he proposed to take if the Chinese refused to do anything.

They then inquired if, in the event of hostilities arising between China and Japan, Americans who were engaged in the ranks of the enemy should be killed by Chinese troops, what notice would be taken of it by their own Government?

I answered that all Americans who entered the military service of the Japanese did so at their own risk, and that the American Government would take no notice of their death under such circumstances; all persons composing a hostile force could only be regarded as enemies by China.

They did not pursue their inquiries in this direction. * * * I referred them to the translation of Wheaton's work for an authoritative explanation upon the usages in such cases in western lands; but both of us felt, no doubt, that those usages are much modified by the principle of extraterritoriality found in our treaties, particularly in military operations.

The employment of our citizens in peaceful pursuits, or even to aid in the suppression of a rising of their own subjects, was referred to by them as of a different character from the same persons engaging in active hostilities against them on behalf of Japan; and they would have admitted the same principle when applied to their employing foreigners against Japan. Their objection showed that they had thought

over this point; and it has its force; but there was no discussion, and it was evident that they had no wish to pursue it.

I have nothing to add to the remarks of Mr. Low in the dispatch above cited, which can strengthen them. This principle of self-government to foreigners was granted by the Chinese in the face of an overpowering force, and when they had had no practical experience, almost, of its nature and results. During the Taiping rebellion, all foreigners who aided the rebels took their own risks, and made very little noise about their doings. When Burgevine was captured in 1865, the fact that he had once been a trusted officer in the service of the imperialists, and had left them to join the rebels, led me to allow him to remain a prisoner until instructions were received. Mr. Seward replied, that upon a just conviction, he might be left in the hands of the Chinese, adding, "but this is to be understood to rest upon our own consent, upon the grounds of national honor, and not from Chinese right under treaty stipulations." (See my dispatch No. 3, and Mr. Seward's No. 7, of 6th November, 1865.)

I infer that the implied freedom of action to Americans to enter the military service of other nations, in that there is no law to prevent them, had primary reference to service in Christian nations, and when thus employed by those nations, allegiance to their own ceases. But does not this doctrine of ex-territoriality materially alter the nature of this service? There is no provision that I know of contemplating the naturalization of an American citizen in Japan or China; and it is understood here that foreigners in these countries cannot change their national character, and claim the protection of another country.

If an American citizen enters the military service of the Japanese, and another enters the same service in China, it is to be supposed that the rulers of both countries engaged these men to help them fight, if necessity required; but if they are to be led against nations with whom the United States are at peace, they are bound to refuse to serve, and to leave the flag thus employed. But supposing they refuse to desert it, and they appear in arms against each other, one under the Chinese and one under the Japanese flag, we have the spectacle of our countrymen fighting on behalf of two non-Christian governments, each side claiming the protection of its own country against the wrong-doing of its employers while trying to do all the harm they can to the opposing nation. It appears to me that this is not at all unlikely to take place within a few months, if the Japanese pursue their aggressive policy in Formosa.

Mr. McLane's decree of December 5, 1854, making it a misdemeanor to fight for or against the Emperor of China within his dominions in case of rebellion, is still in force; but I do not know whether a similar one has been issued in Japan. This decree was effectual in restraining an attempt made about the time of its publication to aid the Canton government to destroy banditti near that city; but no conviction was ever made under it during the Taiping rebellion. I think, however, it had no little moral effect in deterring many from joining the imperialists, though after Ward's force became famous, and he was killed, Mr. Burlingame applied to have Burgevine put in command of the force, thus neutralizing the decree in effect.

The British government requires that previous permission be obtained before its subjects can enter the Emperor's military service.

It is very desirable, if Mr. McLane's decree conflicts with the implied liberty to our countrymen of entering the military service of the Japanese or Chinese, which the absence of an actual prohibition seems to involve, that instructions be given in time. At present it seems to do so.

Your dispatch of April 3, 1873, refers to General Le Gendre alone, who is not now in the employ of the United States, and was free to accept the offer made to him. This I told the Chinese officials, when they complained that American officers were employed against them; but in respect to Lieutenant-Commander Douglass Cassell and Major Wasson, who, I believe, are still in our Navy and Army, I answered them verbally, that as yet there were no hostilities existing, and consequently these officers were not doing anything at which China could complain.

It is highly probable that, if the Japanese carry out their designs upon Formosa and Corea, as shadowed forth in Mr. De Long's dispatches Nos. 302 and 309, active hostilities will arise in this part of Asia, which will almost certainly involve us in their issues and conduct. I may be pardoned, therefore, for bringing this question of employing our countrymen on either side to your notice, after what Mr. Low has written.

International law, which is applicable to western nations in times of war, has not been well defined in its application to these oriental powers, and their rulers are in constant perplexity how far they can go. We all wish to encourage them in utilizing foreign skill, science, and integrity in acquiring and applying our arts and improvements for their advantage; and as soon as they become expert in their new powers they are not unlikely to employ them to overcome their enemies.

* * * * *

I am, &c.,

S. WELLS WILLIAMS.

No. 143.

Mr. Williams to Mr. Fish.

No. 35.]

LEGATION OF THE UNITED STATES,
Peking, May 30, 1874. (Received July 20.)

SIR: I have the honor to inclose for your perusal a very clear account of the events which occurred at Shanghai on the 3d and 4th instant, taken from the "Courier," and a copy of Mr. Seward's report of his efforts in aiding to suppress the riot, (inclosure 1,) from which you will learn all that is of importance.

Mr. Seward's position as senior consul at Shanghai gave him much advantage in taking immediate action, and I have heard only one opinion in commendation of his promptness and sagacity. Preventive efforts are always difficult to estimate, but in this case everybody acknowledges that the landing of a detachment from the United States steamers Ashuelot and Yantic, at the hour it did, was most opportune. The mob was in fact rendered powerless by its appearance. I sincerely hope that the Department will fortify and indorse the public voice by its special approval of his action.

You will no doubt observe on the perusal of the printed narrative that the animus of the editor is strongly against the Chinese, and he does not seem to be disposed to wait till he can hear their side. I do not refer to the mob, for whose conduct I find no excuse, but to the proceedings of the Ningpo guild. It is not easy, at any time, to learn the exact truth about native opinion, but in this instance the views of the guild were early made known, and their temperate memorial (inclosure 2) and liberal proposition to arrange the matter sent to the council three

months before the outbreak, places the latter, by its refusal or vacillation, in a position it could easily have avoided.

It is an outbreak much to be regretted, and its details will be reported through the provinces, I fear, so as to deepen the dislike and dread which is felt against foreigners. In the case of the Tien-tsin riot in 1870 it was easy to deny the truth of the rumors which excused it, that foreigners stole children for the sake of their eyes and hearts; and there are myriads of natives in other places who could corroborate the denial and help to re-assure their countrymen that the facts were otherwise.

But when the native newspapers circulate the story that half a score of their people have been shot or killed in Shanghai for resisting the encroachments of foreigners upon the graves of Chinese buried there, it will strike a sympathetic chord in the hearts of their readers. In a case somewhat similar, when Amaral, the enterprising governor of Macao, was assassinated in 1849 for cutting roads through the graves outside the city, the act was upheld by all natives as a just retribution for the dead. In this case at Shanghai the arguments and facts will tell against foreigners, and there will be very little opportunity to place either of them in a right light.

The argument used by the editor, that the guild knew that the roads had been long before mapped out to be opened through the graves, and the plea that many places in Shanghai, now covered with houses, had once been graveyards, are both entirely aside of the merits of this particular question. However, it is impossible to judge equitably until one knows the facts about the occupation of the French in this part of Shanghai.

I add a copy of my reply to Mr. Seward, (inclosure 3,) and defer further remark until another time. If this riot furnishes a good argument for a fusion of the two settlements, all parties would be ultimately the gainers.

I have, &c.,

S. WELLS WILLIAMS.

[Inclosure 1 in No. 35.]

Mr. Seward to Mr. Williams.

No. 362.]

UNITED STATES CONSULATE-GENERAL,
Shanghai, May 11, 1874.

SIR: I have heretofore advised you that a riot occurred in the French settlement on Sunday last.

Up to this moment no official inquiry has taken place in regard to its causes, or the merits of the grievance, as alleged by the Chinese. The consul-general for France has indeed, as it would appear, taken some conclusions, but he has not communicated them to his colleagues; nor do we know of them excepting from the local prints and newspapers. Under these circumstances I shall confine this report to a statement of my own connection with the affair in its various aspects, and I shall transmit to you with it such printed documents as will set forth all the information that I can now communicate.

The riot took place on Sunday, the 3d instant. I was informed of the existence of a difficulty while at my house, more than two miles from the scene, at about half past 6 o'clock in the evening. I at once drove to the residence of Dr. Yates, which was not more than a third of a mile from the place in question. I found that Dr. Yates, his son-in-law, Mr. Seaman, and Mr. Hill, had been observing the tendency of the affair, and they assured me that it was not unlikely to assume serious proportions.

Acting upon a preconceived idea of what should be done under such circumstances, I determined to ask our gunboats to land the largest possible force, and to place them where they could be of most use in a defensive way, and I proceeded to the French consulate to state my information and my conception of the measures which should

be taken. Upon leaving Dr. Yates's house I saw that a fire had broken out, and that crowds of excited people were already moving down the Rue du Consulat, breaking the street lamps, and otherwise indicating their excitement. On reaching the French concession, I told Mr. Godeaux, the consul-general, what I had learned, and expressed my opinion that it would be well to land a force from the gunboats. He at once assented to this, and I proceeded to the Ashuelot and Yantic to secure the same. The commanders of these vessels yielded a ready assent to my request, and actually landed about a hundred men by 8.30 o'clock. Not anticipating that the rioters would have any disposition to proceed further in the face of the fact that this force was in hand, and that a squad of fifteen or twenty men from a French gunboat had been previously landed, I requested the commanding officer of the sailors to take them to the French consulate; I at the same time requested Mr. Bradford to remain with them, and to advise with Mr. Godeaux and the commanding officer in regard to their disposition, giving to him at the same time such general instructions as seemed appropriate. A meeting of the consuls had been called while I was thus engaged, and the hour for assembling having arrived, I proceeded to the place named for it, the Main-guard, to which the municipal council and the volunteers had also been summoned.

The question here arose what course should be pursued; and upon this point the chairman of the municipal council, as commandant of the volunteers, requested instructions from the consuls.

It was my opinion that one or two of the fire companies should proceed to the scene of the fire, guarded by the volunteers and our sailors, in order to put out the fire and make such a demonstration as would overawe the rabble; and this course was determined upon, the consuls and the chairman proceeding with the troops.

I may say that I was assured strongly that this course was the only one which could be pursued, having regard to all interests. If a fire was going on it should be put out. If the rabble was disposed to carry matters farther, nothing less than a demonstration of our ability to suppress them would answer. Neither was any danger to be apprehended. A Chinese mob will not fight foreigners, excepting as a pack of wolves will attack human beings, when in numbers and with full swing for their savagery. A squad of fifty men present during the day near the scene of the trouble, would have overawed the rabble and prevented all bloodshed.

In marching to the locality of the fire, I took about fifty of our sailors with the volunteers. I remained with the commanding officer, and informed both him and the commandant of the volunteers that I would be the sole medium of communication between them. I took this course because the responsibility of landing these men was mine, and because I felt unwilling that they should be asked to do any active work without my full knowledge and assent.

I should say here, that prior to my return to the French settlement from the Main-guard, reports had been received that the police station at the southern river corner of the settlement was in danger, and that Mr. Bradford had gone to its relief with a guard of the sailors.

Upon reaching the scene of the disturbances I found that, as I anticipated, the danger was over. The fire, too, was pretty nearly burned out, it having met obstructions which prevented it from spreading. Such measures were taken, however, to suppress it entirely, as were appropriate.

At this time information was brought that a band of the rioters had taken refuge in the Ningpo Joss-house, a rambling structure covering more than an acre of ground situated at the southwestern end of the settlement. It seemed advisable to determine whether this was the fact, and the force excepting an appropriate patrol moved at once to the place. The Chehsien, or district magistrate, who had previously appeared upon the scene of the riot, accompanied us.

The door of the joss-house, or wei-kuan, was found closed, and upon calling out to those supposed to be inside, no answer was received. Mr. Medhurst and myself then asked the magistrate to break in one of the doors, so as to enable us to make with him an inspection of the premises. This was effected by the foreign firemen with axes, the door selected having been barricaded with coffin material. The entry having been effected, a squad of the magistrate's soldiers with the magistrates and several of the consuls, proceeded to search, but found not one person.

It is likely that no one was there, and that, anticipating such a search, even those who usually occupy it had taken their departure. The force was then marched back to the municipal hall and the French consulate, at which places our sailors were to bivouac for the night.

Signals were agreed upon to call out the volunteers and fire companies if this should be necessary, and at 2 a. m. I returned to my residence.

I should mention that before retiring from the French settlement I waited on the French consul, and through his chancellor proposed a consuls' meeting for the next morning at his office. He returned word, further thanking me for the aid rendered to him, but intimating that he did not care to have me call the meeting. I make this statement not to find fault with Mr. Godeaux, but to be accurate in my narrative.

On Monday morning I proceeded to the French settlement at an early hour, and after visiting the scene of the riot and consulting with Mr. Godeaux, I sent the sailors off to their ships, asking the officer in command to say that if a fresh squad could be landed, it would gratify me. This was done with reasonable promptness, and the men, at my suggestion, bivouacked in an appropriate way. Later in the day I again arranged that a squad of fifty men should remain on shore for the night.

The further occurrences in the French settlement need no comment from me.

On Monday a consuls' meeting was held in my office, a minute of which will be found among the inclosed papers. Mr. Godeaux did not attend this meeting or make any communication to it.

The proclamation of the Taotai, made upon the request of this meeting, will also be found among the inclosed papers. It had not seemed to several of the body quite in accordance with the agreement made with him on Friday; therefore Mr. Medhurst, Mr. Schlik, and myself took advantage of a visit from the Taotai to urge him to issue another one in strict accordance with the agreement with the Taotai, and this has just come to hand.

I have received from several persons testimony to the careful manner in which the French police behaved. They appear to have been admirably handled, and to have refrained from using their weapons when provoked in the most extreme way.

Six Chinese were killed on Sunday. One has died since, and about ten or a dozen more or less severely wounded are under treatment in different places.

It will be found, I fear, that a large proportion of those killed met their death at the hands of persons armed by the French council, or upon no authority and under no adequate restraint.

There would have been no necessity to arm such men, and they might, if appearing on their own motion, have been arrested or turned back, if the riot had been checked at the outset by the landing of a suitable force, which would have left the police free to attend to their proper work.

I have no further details about the injuries suffered by foreigners than those stated in the inclosures. Mr. Fisher, with the modesty characteristic of many foreigners in such cases, values his bruised temple and two departed teeth at 10,000 taels, or \$14,000. Rev. Mr. Allen and Mr. Haskell each lost a carriage.

You will see that the consular body have not entered upon the merits of the original dispute. We cannot well do so without an invitation from M. Godeaux or the Chinese authorities. We considered it our duty to state that we would give to either the benefit of our advice, if requested, and to stop there.

I shall not indulge now in remarks concerning the general bearings of the difficulties in question, or of the conduct of the French and native authorities, but may return to the subject hereafter.

I shall be glad to know what course should, in your view, be taken in regard to the losses of our people, as mentioned.

I am not quite sure that the prompt action which I took to land our sailors, especially in view of the fact that the French have charged themselves with the preservation of order in the French settlement, will be approved at first sight; but when it is remembered that American interests in that quarter are really greater than those of the French, and that the houses of the American families—viz, Dr. Yates's, Mr. Allen's, and Mr. Lambuth's—were nearer to the scene of the riot than any others, one would hesitate to say that the landing of our sailors was not called for by the circumstances.

To my mind, a riot, here or elsewhere, is to be met as a riot, and to be put down with a strong hand. To this view the Chinese authorities have assented, and both they and the French consul and council have specially thanked me for the aid which I rendered. The judgment which would vacillate at such a moment would, I fear, vacillate in those earlier stages of a difficulty when nothing would be required but a conception of what is right and a disposition to do it.

The riot presents, I think, no occasion for fear of what may come in the future, at least in Shanghai. The Chinese have seen that it is dangerous to proceed to such an extreme, and whatever encouragement they may have received from the way in which their demands were granted, almost at the moment of their demonstrations, they will hesitate to take up such a procedure in the future.

I have, &c.,

GEORGE F. SEWARD, *Consul-General.*

[Inclosure 2 in No. 35.]

[*Extract from the Shanghai Evening Courier.*]

THE RIOT IN THE FRENCH CONCESSION.

About 4.30 p. m. yesterday, the fire-bells of the settlement rang an alarm, which, taken in connection with the hoisting of the French flag over the bell towers, indicated the locality to be in the French concession; in which direction, therefore, all the fire com-

panies of the Shanghai fire department were promptly on the march. But there was some difficulty in ascertaining the particular part of the concession, and as the firemen were making inquiries, they were met at various points by the information that the fire had been got under by the exertions of the French police and the engine of the M. M. Co. close to which it had taken place. But along with this came the information that the fire was the act of incendiaries, who had not only set fire to a block of buildings, but had violently assaulted several foreigners, who had narrowly escaped with their lives. Further inquiry ascertained that the whole thing resulted from that combination of the Ningpo residents of Shanghai to enforce certain claims they have recently advanced, in connection with their mortuary house of reception, (known as "Ningpo Joss-house,") and its surroundings, to which we drew attention on Saturday evening. An attempt made last night and to-day to investigate that claim with some degree of thoroughness, has made us acquainted with so many conflicting statements regarding it that we cannot feel assured that we have yet arrived at the truth, entire and unmixed. All that we propose to do now is to give as full and correct an account as we have been able to gather of the events of yesterday.

Early in the forenoon crowds had assembled in the open spaces lying between the Ningpo Joss-house, the city wall, and the French gas-works, similar to the crowds that had gathered there for the greater part of the previous week, except that instead of hundreds they had risen to thousands; and their concourse appeared less a fortuitous meeting, and more the result of a deliberate purpose. In fact, it had been communicated to not a few foreigners, by Ningpo men, with whom they were intimate, that the disaffected would on Sunday burn down certain buildings or sections of the concession; but the talk seemed so wild that it appears for the most part to have been allowed to pass unheeded. At all events, those who passed the place at noon, and for the next three hours, observed the whole of the open ground referred to covered with dense groups of Chinese, similar to those which one sees when some popular exhibition is going on, but on closer inspection, gathered from the loud language and fierce gesticulations of those who spoke, and from the sullen and wild appearance of the listening crowds, that they were in no holiday mood. Within the limits above mentioned the Rue Wei-kwei, running parallel with and to the north of the Rue du Consulat, is intersected eastward by the Rue Hué, and westward by the Rue des Pères, forming an oblong block, on the northern face of which is Rue Wei-kwei. At the corner of Rue Hué was a row of Chinese dwellings, west of which is a tenement lately built by M. Percebois, one-half occupied by his own family, the other tenanted by Miss J. Maclean, a British missionary lady; the remaining space, to the intersection of the Rue des Pères, was occupied by a two-story foreign dwelling-house, belonging to M. Charrier, whose outlying stables stretched backward as far as the Rue du Consulat, occupying all the rest of the block except a row of two-story Chino-foreign houses, (mostly occupied by Frenchmen,) forming the west side of the Rue Hué. About 3 p. m. a number of French firemen went up by appointment to the French gas-works, situated to the west of the Rue des Pères and north of the Rue Wei-kwei, abutting on their north front on the Yang-king-pang, the northern limit of the concession. The party went to get their photographs taken. The crowds, catching a glimpse of them going toward the gas-works, came rushing along in that direction. But when they approached the gas-works it is supposed they were induced to think of the seriousness of any too close contact with so explosive and mysterious a substance as gas. What is known is, that, after standing, yelling, and haranguing in the neighborhood of the works, a new direction and object was given to their views. Where they stood they were in view of the house of M. Percebois, to whom it has fallen, as surveyor or master of works to the French municipality, to mark off the improvements contemplated and in progress in the roads that run close to the Ningpo Joss-house. It is at present impossible to ascertain whether the crowd or their ringleaders had any definite programme previously resolved on, or whether the mob was simply excited in a general way, and open to any definite suggestion that might be given at random. What is certain is, that at about a quarter to 4 p. m. a rush was made for Percebois's house; it was beset before and behind by a howling mob; it was entered; he was violently torn out while attempting to defend his wife and a family of young children; he saw his wife dragged out by her hair, and his children fairly pitched into the street. What measures he took to prevent a downright massacre we have not learned. If the elderly Chinaman, who, with arms and legs naked, as if stripped for a fray, was soon afterward found close by Percebois's house, shot through the heart, was killed at this juncture, all we can say is that the violence was justifiable in the circumstances. But however he managed to deter the mob from proceeding to the last extremities, he did succeed, though with his own head laid open, his wife badly beaten and bruised, and his children hurt, though it is not thought seriously, in making his way to the municipal hall, about five hundred yards distant.

Meanwhile, about half past three, two Scotch gentlemen, Messrs. D. Cranston, of Pootung foundry, and John Weir, chief engineer of the Gordon castle, had called on Miss Maclean, living in the house adjoining that of M. Percebois. They had noticed

the crowds of people, but thinking it was only some ordinary street "row," paid no particular attention to it. But as they sat and talked with Miss Maclean up-stairs, about 4 o'clock, they heard the rush of the crowds down the street, and the next moment heard the sounds of demolition going on all round M. Percebois's house. Seeing the immense number and wildness of the people, it was deemed wisest to keep still, so long as Miss Maclean's place was left untouched. From ten to fifteen minutes sufficed to reduce M. Percebois's house—a two-story house built on the Chinese plan—to a yawning ruin; the trees in the garden behind were torn up; some dogs tied up were beaten to death; and some turkeys, &c., were absolutely torn to pieces. The mob was now worked into a frenzy, and Miss Maclean, looking cautiously out from her back windows, saw them almost in a minute tear down the fence that separated her back premises from those of M. Percebois, and arm themselves with the rails that composed it. Presently her out-houses were demolished, and seeing signs of further damage she resolved to parley with them. Stepping out on the back verandah she told them that whatever quarrel they had with M. Percebois, she had nothing to do with it, as she was only a tenant. She had scarce uttered the words when a shower of bricks forced her to withdraw, and simultaneously bricks were thrown at the front windows, and she and her friends were forced to seek refuge from the fragments of glass and flying missiles on the landing of the staircase. After the shower of bricks had lasted some minutes the front door was forced, the lower rooms were entered, and the forms, chairs, and other furniture were broken up and converted into weapons. This over, they came up stairs, headed by one who was unarmed, and who appeared, on the whole, anxious to restrain the violence of the others. Miss Maclean tried to remonstrate with him, but the crowd behind raved and struck with their weapons, and presently pushed him aside into one of the upper rooms, the furniture of which also they began to smash. Miss Maclean, thus brought face to face with violence, determined to go down stairs, and was allowed to do so unmolested, followed by the two gentlemen. But as soon as they were outside, while Miss Maclean, closely followed by Mr. Cranston, who was trying to protect her, was hustled by the crowd across the street, and somewhat in the direction of the gas-works, Mr. Weir was borne away eastward, and ere he had gone a few yards was struck down by a blow which laid his head open. While he lay on the ground the crowd around beat madly at him, but their closeness around him, the length of their bludgeons, and their frantic fury, combined to save him from a death that seemed inevitable. Watching a chance he suddenly sprang up, and, as he did so, siezed a brick, menacing them with which he advanced on the crowd, who opened before him, but closed with threatening yells behind; and thus, turning from side to side, with his eye over his shoulder, he kept using the menace of the brick to open up his way. Again he was tripped up, fell, and was badly beaten; again he started up, and grasping a heavy piece of paling from one of the crowd, brought it down to the charge, (his arms were now so bruised that he could not raise it higher.) With this he pushed his way along, having constantly to turn and stand at bay when the crowd came too close, till, at last, getting into a clearer place, he ran as fast as his remaining strength permitted, and reported the affair at municipal hall, urging the necessity of an immediate attempt to save Miss Maclean and Mr. Cranston. He complains of the length of time it took to get the police under arms, and of the fact that for a time no cartridges could be found.

Meanwhile, Mr. Cranston, by keeping his hands on either side of Miss Maclean, protected her from the blows aimed at her, till he was struck down by a severe blow on the head, and Miss Maclean was at once dragged by her hair into the gutter beside him. Both were badly beaten while they were down. One inhuman monster lifted a section of a heavy plank with both hands, and striking her on the wrist inflicted a horrible bruise and abrasion. She was also wounded on the head, and badly bruised and cut generally. Mr. Cranston was treated in a similar manner. How she got up she cannot tell, but as she was being hustled and beaten along she began to hear voices in the crowd asserting that she was not a French woman, but belonged to the English, with whom they had no quarrel. Just then a tea-shop was reached, into which they were pushed by the party that seemed friendly to them. The woman who kept the tea-shop, in evident apprehension for the safety of her place, attempted to push her foreign sister back again among the fiends who raged outside, but this was prevented. The friendly party at length succeeded in inducing the furies to ask Miss Maclean if she was English, and on her saying that she was, the crowd at once became calmer; some even expressing regret, and an escort was formed, by which she and Mr. Cranston were conveyed to Mrs. Manthei's, who lives close by. It would appear that as soon as the crowd became convinced that Miss Maclean was not French, the breakage of her furniture was stopped, so that when some foreigners went round from Mrs. Manthei's to save whatever was left, they recovered most of her personal effects, the loss being restricted to the furniture. To close this part of the subject, we are glad to say that Miss Maclean, though suffering severely from pain, has not sustained any permanent injury; that Mr. Weir, though in great pain and a good deal disfigured, has been able

to go about to-day. Mr. Cranston, who has suffered most severely, is in the general hospital, and is, we believe, doing favorably.

During or immediately after the assault on Miss Maclean, the mob resolved to consummate the destruction of M. Percebois's house, and fired it. How the fire was extinguished we have explained in our opening remarks. M. Barbe, the superintendent of the French police, on hearing of the riot and the fire, having no orders how to act, directed all the available force to arm themselves, and marching them to Percebois's, they kept guard while the firemen extinguished the flames. Meanwhile, M. Barbe had sent a message to the French consul-general, informing him of the state of things, and asked for instructions. Round the scene of the fire the crowd surged and howled and threw brick-bats, and one of them, seeing the police maintain an imperturbable patience, went the length of making the most insulting gestures and uttering the filthiest language, winding up by a bold defiance to shoot him if they dared. The sergeant on duty bravely seized him, and though the roar and rage of the crowd threatened a desperate and bloody rescue, he was retained, and marched back to the municipal hall, escorted by the police, on the conclusion of the fire operations. At this stage of the operations, from 5 to 6 p. m., many foreigners approached the center of the *melee* more or less closely, and some were roughly handled; and all felt it was prudent to retire, the general opinion being that still more serious mischief was brewing. When the municipal police returned to the station, a message from M. Godeaux (the consul-general) was waiting, conveying to M. Barbe the inane instruction that he was "to be prudent," or words to that effect. As there were now assembled at the municipality a number of French and other gentlemen, many of them ex-members of the French volunteer corps of 1870, M. Barbe's idea of prudence included the idea of arming these, and thus raising his effective force to from sixty to eighty men. But while this was in preparation, M. Rouhaud, the secretary of the consul-general, arrived with positive orders that no such step was on any account to be taken; a decision which excited general, and, we think, very natural, dissatisfaction.

We presume it must have been in consequence of this strange determination of M. Godeaux to take no action, and make no inquiry in the matter, that M. Voisin, chairman of the French municipal council, in view of the important foreign as well as the French interests that were involved, at 6.30 p. m. sent a request to Mr. Fearon, chairman of the Shanghai municipality, for the support of the Shanghai volunteer company. Mr. Fearon acted with commendable promptitude and vigor. The foreign consuls were convened through Mr. Seward, their chairman, to meet at the Main-guard at 9 p. m., where also the volunteers were invited to meet. All the consuls in town assembled, except M. Godeaux, who did not even send any communication; and after the mature deliberation which so important and, in the special circumstance, so difficult a matter required, it was decided that the volunteers should march in a united body to the French municipality, and there act in co-operation with any other available forces, as might be found necessary or expedient.

Meanwhile what all had feared had taken place. The fire at the house of Percebois was rekindled, spread to Charrier's stables adjoining, and thence to other blocks contiguous, being only arrested by the vigor and courage of Mr. Brodie A. Clarke, fire-engineer for the British settlement, most ably seconded by Mr. J. H. Vail and the Hongkew hook and ladder company, of which he is foreman. But resuming our detailed narrative of the events of Sunday at the point where we left off last night, we start with the state of things between 6 and 7 p. m. At that hour a tumultuous mob, composed almost exclusively of unemployed mawfoos, miscellaneous loafers and rowdies, and professional thieves, held possession of that block of the concession in which M. Percebois's house is situated, and of the contiguous streets. The small armed party of foreigners, who had barely kept them at bay while the fire was being extinguished, had retired, and were now cooped up within the municipal compound, and, for aught that could be seen, they had succeeded in resisting and cowing the authorities of the concession. The foreigners who ventured to reconnoiter the outskirts of the mob, returned with the conviction that more extended mischief would ensue. And we have since learned, as a matter of fact, that at this time warnings were issued to the Chinese occupants of foreign-owned houses to remove their furniture, as the municipal hall and all the intervening property was to be burned. The French consul-general undoubtedly was, and in any case he ought to have been, apprised of this state of things, and yet, so far as was known, he had taken no measures, even of a precautionary character. In these circumstances M. Voisin, chairman of the French municipal council, did all that he could do—sent a request to Mr. Fearon, chairman of the municipal council north of the Yank-king-pang, requesting the assistance of the Shanghai municipal volunteers. Mr. Fearon signified his willingness to accede, and, rightly considering that the interests of the members of many, if not of all, of the nationalities represented in Shanghai were involved, requested George F. Seward, esq., the senior consul, to convene a meeting of the consular body at the Main-guard, at 9 p. m., while he himself, through the officers of the Shanghai volunteer company, summoned that body to assemble at the same place and hour.

Meanwhile, the ringleaders of the mob, having paused for a time either for rest or deliberation, resumed their lawless proceedings. They set fire to what remained of M. Percebois's house. They appear to have had some compunctions about doing any more harm to Miss Maclean's house, but these were speedily overborne by the more savage of the party, and it also was set on fire; and then the mob, being fairly warmed to their work, rushed frantically about, carrying wisps of burning straw, and set fire to M. Charrier's coach-houses and stables. Most of the horses were got out, but almost all the carriages, including some valuable broughams, recently imported from France, were destroyed. The glare of the fire was soon seen from the top of the municipal clock-tower, and the usual fire-alarms again summoned the Shanghai fire-brigade to the rescue. A personal inspection by the chief engineer, in the afternoon, of the state of things, led him to the opinion that the sending of the fire companies indiscriminately into the concession might be dangerous. Almost all the fire-engines are manned by Chinese—some of them by Ningpo men, and only officered by foreigners—and it was just possible that if they went into the crowd, and an attack was made, they might refuse to fight against their compatriots, if they did not take active part with them, the effect of which might be most disastrous. Most of the Mih-ho-loongs, too, belong to the Shanghai volunteer company, in which capacity their presence was required at the Main-guard. It was, therefore, resolved, even after the various engines had already started for the fire, to request them all to retire until such time as the volunteers might, if the fire continued, be able to accompany and defend them. Meanwhile, the Hongkew hook and ladder company, which is manned by foreigners exclusively, was allowed to proceed toward the fire to reconnoiter and ascertain what was going on. To this party those of the Mih-ho-loongs not on military duty attached themselves. We must leave them marching over the bund bridge of the Yang-king-pang to ascertain what has been doing elsewhere.

M. Voisin had first heard of the disturbance at 5.30, when driving out toward the Bubbling Well. He hurried back to the municipal hall, where he found the police and some volunteers under arms, but unable to do anything owing to the consul's order. By this time a dense crowd surrounded the municipal compound, and began to throw stones and to pull up a fence; two shots also were fired, and the bullets were heard whistling overhead. M. Voisin, taking advantage of a carriage on the premises, and carrying his revolver in his hand, drove through the crowd to the French consulate-general and urged the necessity of active measures. The consul insisted that the disturbance was quite over, and was not prepared to do anything. M. Voisin then obtained M. Godeaux's sanction to apply, as already mentioned, to Mr. Fearon, and hearing immediately afterward that the fire had been relighted, hurried back to M. Godeaux, and after much altercation induced him to send to the lieutenant commanding the French gun-boat Couleuvre for assistance. In response to this twenty sailors came on shore in charge of a lieutenant. He also pointed out to M. Godeaux the necessity of using forcible measures to prevent further outrages, but to no purpose. M. Godeaux kept repeating his favorite formula: "It is necessary to be prudent." It was at length resolved that the sailors should be marched to the municipal hall, and there await the course of events. It was about this time, (7.30,) we believe, that M. Godeaux applied to the Taotai for assistance.

The Hongkew hook and ladder company, on reaching the municipal hall, found the party of seamen and the police under arms. They also met with Mr. Brodie A. Clarke, district engineer for the British settlement, who, in the absence of M. Charrier, engineer for the French concession, took charge. The other officers present were Messrs. J. H. Vail, foreman; and W. B. Langhorn, ——— Allen, and Perks, assistants. It was resolved to push on through the crowd, the sailors and police forming a guard, under the command of the lieutenant. With bayonets leveled to the charge, the little band advanced; the crowd gave way pell-mell; one ringleader, who had made himself conspicuous and most offensive, fell into a ditch in his flight, and received a sharp admonition *a posteriori* with a bayonet. In this way the hook and ladder company advanced with their escort up the Rue du Consulat toward the fire, which by this time had burned its way back through Charrier's stables to the Rue du Consulat. At this point it may be proper to state that immediately on the second fire-alarm being heard, Mr. Penfold, with his three inspectors and a detachment of the police of the northern settlement, hastened to the scene, and found men busy spreading the fire by means of straw, &c. Two of the ringleaders were particularly noted. As soon as the incendiaries saw the foreign police they desisted, and the two leaders referred to skulked off. They were, however, followed by two of Mr. Penfold's acolytes, and as soon as a quiet corner was reached they were secured by the latter—a quiet and artistic catch! No disposition was shown to attack the foreign police. Indeed, officers and men alike were told they had better go away; nobody wanted to harm them; the quarrel was with the French alone. Mr. Penfold, finding, we presume, that he could do nothing effective over so large an area with the men at his disposal, drew off his men and went to the municipal hall to secure co-operation. He reached there before the Couleuvre's men had arrived, and found M. Voisin and M. Barbe. Mr. Voisin greatly wished Mr

Penfold's assistance, but according to the "reglements" of the concession, the chairman of the council has no authority over the police. Mr. Penfold said that if he had five additional men he would undertake to prevent further trouble. We have no doubt M. Barbe would very gladly have placed twice that number at his disposal, but without further orders from M. Godeaux his hands were tied; and Mr. Penfold, remarking that if he could be of no use he had no right to keep his men there, retired across the Yangking-pang. Thus it came that when the hooks and ladders and their escort reached the fire, they were alone. Besides, of the twenty seamen who had accompanied them thus far, fifteen had orders to go on and throw themselves into the French gas-works, so as to avert the threatened danger of incendiarism and consequent explosion. These, therefore, were conducted onward by Mr. FitzHenry, of the gas-works. The small band of sailors and police stood with their bayonets pointed at the seething mob around them, while the red-shirts went to work with a will, and began to tear down the buildings burning nearest to those untouched. By this time all the block in which M. Percebois's house stood, including a row of dwelling-houses occupied by Frenchmen, running from the Rue du Consulat along the west side of Rue Hué, was burned down, except a small block *occupied by Chinese*, at the corner where the latter street is intersected by the Rue Wei-kwei. A row of dwellings on the east side of the Rue Hué from the Rue du Consulat northward, was being busily set on fire when the red-shirts came on the ground, and was in a few minutes all ablaze, the only part of the row spared as far as the Rue Wei-kwei being again a few houses *occupied by Chinese*. We italicise these facts to show that if the mob was mad, there was a method in its madness, and we may here note the additional fact that from hundreds of houses spared by the fire, lying between those burned and the municipal hall, the furniture was removed, this having been done, as we are assured, in pursuance of the announced intention of the mob to burn its way right forward till it was able to put the cope-stone on its work by burning the municipal hall. The building to which the hooks and ladders devoted their principal attention was that at the southeast corner of the Rue Hué and the Rue du Consulat. This building was on fire, and within six feet of it, down the Rue du Consulat, runs a row of handsome and substantial newly-erected Chinese buildings, which must in all probability have been totally destroyed, had the corner house been allowed to burn down. The hooks, and ropes, and axes were vigorously plied, and soon the house was tumbled to pieces and the fire smothered in its fall. The heat certainly was still intense, but the house was separated from the new buildings by a solid fire-wall, which the wary firemen took care to leave standing, and the new buildings having a fire-wall also, further danger in this quarter was averted. Scarcely had this most valuable result been accomplished, when an order is said to have arrived from M. Godeaux, so singular, that we can hardly bring ourselves to believe that it could have emanated even from him; if it did, we can only say that his education has been perfect in the art of "how not to do it." What is reported is, that at the juncture we have now reached, an order arrived from him directing the hook and ladder company to retire into the northern settlement. The company therefore limbered up and retired, heartily disgusted. They have since, however, had the satisfaction of knowing that where they had arrested the fire, there it remained. If it is asked why, when this last obstacle was swept away and the mob remained for two hours undisputed masters of all west of the municipal hall, except the gas-works, they did not resume their work of plunder and destruction, two solutions present themselves. First, the contiguous houses may have belonged to Ningpo men. We know for certain that the new row of buildings mentioned is owned by a man from the Ningpo district, and, if we mistake not, an influential member of the guild. On former occasions, when the Shanghai fire-department has rescued his property from fire, he has advertised his thanks in handsome terms. Why, on this occasion, is he silent? Another notable fact is, that an extensive store in the neighborhood of the devastation, presenting a most tempting collection of loot, was left wholly untouched. Its owner is a Ningpo man. Everything goes to show that, while the mob consisted almost wholly of the lowest rowdies, it was at its wildest moments under systematic guidance. Of this, however, we shall have more to say hereafter. But, secondly, apart from any desire to save the property of their compatriots, the rioters, by the time the Hongkew company left the ground—about 9.15 p. m.—had other reasons to abstain from further violence. They knew that the Chehsien and his retinue had gone to the French consulate-general; that the Taotai had been appealed to to send troops; that the Shanghai volunteers were called out; and they probably by this time knew that a considerable force had been landed from the United States vessels of war Ashuelot and Yantic.

Mr. Seward, United States consul-general, had learned early in the day, from Dr. Yates, United States vice-consul-general, who resides near the disturbed district, that some serious trouble was brewing; and after driving round the place for himself, and subsequently hearing of the attack upon foreigners, he deemed it right to apply to his senior naval officer for a guard, at least sufficient to insure the safety of Dr. Yates's family. As further symptoms developed themselves, he intrusted to Mr. O. B. Bradford, of the United States consulate-general, the securing of as large a force as could be

spared from the Ashuelot and Yantic, for the general protection, the result being that about 9.30 p. m. some seventy-eight men and a Gatling gun were landed at the French consulate-general. At the request of M. Godeaux eighteen of these and the Gatling gun were left to protect the consulate-general, the rest were marched up to the municipal hall to await events. After they had been there for about half an hour, news arrived from the little east gate that the French police-station there had been attacked by a mob, and Mr. Bradford was directed to conduct twenty of the American marines to its defense, which was successfully accomplished, and the post occupied by them till they were relieved by a company of Chinese foreign-drilled soldiers, detached for the purpose from the one hundred and fifty sent by the Taotai in answer to the consul-general's application. Thus, at the point at which we have arrived, if we include thirty armed police, twenty Coulevre's men, seventy-eight of the United States Navy, and one hundred and thirty or so of native troops, there was a force of about two hundred and sixty men massed at or near the municipal hall about 10.30 p. m. At this hour they were joined by about two hundred of the Shanghai volunteer company, instructed by the meetings of consuls and council, as already related, to act in co-operation with those they found there. To the thousands of undisciplined Chinese there was opposed a well-equipped and disciplined force of nearly five hundred men.

Resuming our narrative of the riot, we find the troops of the Taotai, the naval parties from the United States Navy and from the Coulevre, the Shanghai volunteers, the armed French police, (with the Hongkew hook and ladder company and Deluge No. 4 engine company, to do fire-duty under protection of the Shanghai volunteer company, in case it should be wanted,) to the aggregate number of about five hundred men, at the municipal hall about 10.30 on Sunday night. After consultation, the troops of the Taotai were picketed throughout the disturbed quarter, with the instructions to seize all suspicious characters; the police and the Coulevre men guarded the municipal hall, and the volunteers marched in column through the scene of the disturbances. All was still, and the streets deserted by the people; the *débris* of the buildings destroyed were smouldering into blackness, and occasionally flaring up into fierce flame. Here and there dead bodies of Chinese were seen lying. While the volunteers were making this patrol, the consular body, escorted by the United States naval party, and the chehsien, guarded by a squad of native troops, went to the Ningpo Joss-house, the source or central point of all the trouble; and as it was reported that the ring-leaders of the riot had taken their quarters there, it was proposed to enter and search. Several of the doors were knocked at, but there was no response; upon which Mr. Seward, the senior consul, suggested to the chehsien that an entrance should be forced. The naval party was directed to guard the east side of the building to prevent any inmate from escaping, while the rest of the circuit was intrusted to the volunteers, who had now completed their patrol. The attendants of the chehsien attempted to burst open or unhinge the massive doors, but they were found too strong and too closely fitted into the massive stone door-posts and lintels to be practicable. The chehsien reported himself unable to effect an entrance. On this the Hongkew hook and ladder company was sent for by Mr. Seward, and, the chehsien's sanction having been obtained, they set themselves to the task. But against the repeated and energetic blows of their ram the door was proof. It was then resolved to cut a hole through the door large enough to admit a man, which being done, one of the number got through, and found a perfect mass of the thick wooden slabs of which the Chinese make their coffins jammed at the back of the door at the strongest angle of resistance. These were removed piecemeal and an entrance effected. The chehsien requested that none should enter the building except the consuls, himself, and some of his escort. Careful search was made all through the extensive premises, but no living person was to be seen; it was pure and simple a habitation of the dead. The absence of watchman, servant, or attendant of any kind was, indeed, suspicious, and some sharp eyes there were that saw a ladder so placed as to suggest the idea that the occupants of the place had taken refuge on the roof; but the awkwardness that would result if the idea proved erroneous prevented a proposal to search from being made.

Arrangements were then made for keeping guard over the concession during the night, which duty was shared between the French police and the Taotai's troops, while the detachment of the Ashuelot's men left at the French consulate-general remained there during the night. The Shanghai volunteers, having again fallen in at the Joss-house, marched back to the bund in the reverse order in which they came, and near the customs-house, having been formed in column, Captain Hart (to borrow the language of the Daily News) "addressed a few words of thanks to the men for the steadiness with which they had obeyed orders, and announced that in case of a fresh alarm four guns would be fired from the United States corvette Ashuelot, when they were at once to muster at the main-guard. Mr. Fearon, as civil commandant of the corps, also complimented the men upon the readiness with which they had turned out, and on their steady and soldierly bearing. Fortunately, their active services had not been needed, but their conduct gave a proof of their efficiency, which would increase the confidence of the community in their capacity to maintain order if required. He

thanked them in the name of the community." The force was then dismissed about half past midnight.

The general result of the affray, so far as the persons of foreigners were concerned, was that a number of persons had had their heads cut and their persons bruised with bricks, &c., including, more especially, Mr. A. A. Fisher, who had his temple laid open, his lip badly cut, and two of his teeth knocked out by stones, &c., thrown at him while driving past the crowd on his way home from Sicawei; besides the still more serious injuries sustained by M. Percebois and his family, by Miss Maclean, and by Messrs. Cranston and Weir. On the side of the aggressors the casualties were much more numerous and severe. As we have stated, one Chinaman was shot through the heart on the steps of M. Percebois's house, between four and five in the afternoon. When the police and Coulevre party were escorting the hook and ladder company to the fire, one of the most prominent rioters received a bayonet-wound, of which he afterward died. The party who went to defend the gas-works while on their way there were assailed with bricks and stones, and, having fired some warning shots without effect, are said to have fired into the crowd; with what result is not known. As we have stated, a number of civilians gathered at the municipal hall in the afternoon and expressed their willingness to assist the police if supplied with arms. As there was no evidence of a regular force being summoned by M. Godeaux to support the police, M. Barbe thought it prudent to arm these volunteers, but, in accordance with orders received from M. Godeaux, they were kept within the municipal compound, and when the gates were opened to admit the Coulevre's men, a number of them slipped out and took their arms with them. This was unfortunate, as some of them do not appear to have been of a character or in a condition to be trusted with weapons; and there is concurrent testimony to show that they, with probably others carrying weapons of their own, went about firing and using their bayonets without authority, which was bad, and often where it was totally uncalled for and mischievous, which was worse. The total result was that six were found dead on the ground, and eight wounded were taken to the Chinese hospital, one of whom afterward died. So that the casualties among the Chinese, so far as at present known, were seven dead and seven wounded.

On Monday morning the scene of the disturbance of the previous day presented a singular spectacle. The smouldering embers of the houses burned; long rows of contiguous houses emptied of their contents, and more or less battered, or carefully barricaded; the groups of native foreign-drilled troops, with rifles stacked and side-arms ready for use, lounging at extemporized guard-houses in every street, or marching slowly up and down their "beat;" a dense crowd around the Ningpo Joss-house and groups scattered over all the open ground, and everywhere throngs of natives, who had evidently come from all quarters sight-seeing, interspersed here and there with a foreigner or two. Among the *débris* of the houses, groups were, as customary, groping in the hope of securing some fragment that might still be useful. But the most peculiar feature was the long string of wheelbarrows piled high with furniture and household stuff, which were seen in all directions making for the northern settlement—the property of people who were hastening from the concession, either from the fear of punishment for participation in the riot, or to avoid being involved in the consequences of another. It was estimated that no fewer than eight hundred left for Ningpo on Monday alone, while the crowds for Soochow were such as to enhance the charge for boat-hire 300 per cent., the fares of wheelbarrows being raised in an equal ratio. Besides this, a large number who had been attracted to live in the concession by lighter taxes or cheaper rents, now hastened to domicile themselves and their belongings in what they seem to consider the safer region of the northern settlement; the obvious result being a stiffening of the rents of native houses in the latter locality, and a corresponding downward tendency in those of the concession.

While the native community was thus occupied, the authorities, native and foreign, naturally had their hands full of the affair. The two incendiaries captured by the foreign police were sent to the mixed court of the French concession, to be dealt with, along with from twenty-five to thirty others who had been caught raising fire, taking part in the riot or plundering. It was resolved to remand them till the following day. The French consul-general, in the forenoon, requested M. Voisin to call a meeting of the French municipal council to reconsider the subject of the roads adjoining Ningpo Joss-house, which had been the original cause of the trouble. Several times afterwards in the course of the day he saw M. Godeaux, the last time being when he was on his way, and told M. Godeaux he was on his way to the meeting of council called at his request. We insert here the minutes of that meeting with translation:

COUNCIL OF MUNICIPAL ADMINISTRATION FOR THE FRENCH CONCESSION.

[Translation.]

"On the 4th May, 1874, the municipal council of the French concession met under the presidency of M. Voisin. Councilors present: Messrs. Ewald, Hennequin, Hitch Lang, Maignan, Millot; M. Sayn, secretary.

"The council was assembled at the request of the consul-general, addressed to the president, for the purpose of taking into consideration the circumstances which have excited among the Chinese populace an agitation which it is of importance to allay as soon as possible, and to entertain anew the question which has created that effervescence.

"The council is of opinion that there should be addressed to the consul-general a letter to the following effect:

"*The Consul-General:*

"SIR: At your request I have just convoked the municipal council, which resolves that, in view of the excesses which were committed yesterday, it cannot discuss anew the question of the streets Saigon and Ningpo until the disturbance has disappeared and justice has been done.

"Then the council will be most willing to reconsider the question, and to inform you of its final decision.

"This resolution has been adopted unanimously.

"THE PRESIDENT."

"The council expresses, at the same time, the opinion that the regrettable events which took place yesterday might have been easily stopped at the outset by a more energetic attitude on the part of the consul-general.

"VOISIN.

"HENNEQUIN.

"HITCH.

"MAIGNAN.

"LANG.

"MILLOT.

"EWALD."

It will be observed that the decision of the council on the point referred to their reconsideration was, that after the violence and outrage that had been committed with the apparent object of compelling compliance with those who claimed the right to interdict the roads objected to, the council could not entertain the question at all, till due investigation into the riot had been made and justice done in regard to it. It may be imagined, therefore, what their astonishment was to learn, as they left the council chamber, that during, if not before, their sitting a proclamation by the consul-general had been generally posted throughout the concession, of which the following translation has been given:

"AN URGENT PROCLAMATION.

"Since I have been in office in Shanghai, all the merchants of the settlement have received protection and lived in quietude. At present, erroneous reports have been spread, stating that the French intend to remove or destroy the buildings of the Sz-ming-kung-so, (Ningpo Joss-house,) and that it is also intended to build horse-roads on the grounds, and thus to interfere with or damage the graves. These are the reports of worthless men, who are spreading false rumors to excite the people. The head men of the Sz-ming-kung-so at present petition to have the plans of the roads changed, and a further request has been received from the Taotai and likewise one from the Chehsien, begging that we will give consideration to the public feeling. An instruction has accordingly been sent to the municipal council to reconsider and change their previous plans, so as not to injure the buildings of the guild or to disturb the graves in the cemetery. They are not only not to construct a road, but they are to desire the head men of the Sz-ming-kung-so to erect a wall round the limits of their property, to define the boundaries, and thus avoid future misunderstanding.

"The foregoing proclamation was about to be issued when, unexpectedly, a lot of foolish people, not waiting for a reply to their representations, daringly assembled together and created disturbance. The matter is much to be regretted, and on this account we issue a proclamation ordering all the merchants and people in the concession that they should live peaceably and attend to their business, and not give ready ear to false reports, which lead to matters to be repented of when too late."

It will be observed that this proclamation must have been already printed when M. Voisin met M. Godeaux, and told him he was on his way to the council-meeting, called at M. Godeaux's request, to consider what was to be done about the disputed roads. M. Godeaux's proclamation concedes all, and more than all, the demands of the Chinese that the council was summoned to consider. Yet M. Godeaux allowed M. Voisin to go on to transact business which the former had already done all in his power to reduce to a farce. It is matter of double congratulation that the decision of the council was such as we see. We may here state that up to the present time the council has no official information of the purport or existence of the consul-general's decret.

Meanwhile, the senior consul invited his official brethren to meet the Taotai, in order to take into joint consideration the general state of affairs: From this meeting, also, M. Godeaux was absent, being probably occupied with the publication of his own "urgent proclamation." The result of the deliberations of the consular body is set forth in the following official minutes, which, although we published them two days since, we think it well to re-introduce here, in order to set this document in juxtaposition and contrast with that which M. Godeaux saw fit to issue on his own responsibility:

"MEETING OF TREATY CONSULS.

"Minutes of a special meeting of consuls at Shanghai, held in consequence of the riot on the French concession on Sunday, the 3d May, 1874.

"The consuls are of opinion that order should be maintained in the foreign settlements, and they are prepared to use all the force available on the part of foreigners, in concert with the force at the command of the Taotai, for the purpose.

"They are further of opinion that immediate measures should be taken by the French authorities and the Taotai for the arrest and punishment of offenders in the disturbance of yesterday.

"They are further of opinion that it is unnecessary for the consular body to enter into the merits of the present difficulty, but they are prepared to give the benefit of their advice in the matter, upon the request of either the French consul-general or the Taotai.

"They are further of opinion that no persons should be permitted to appear publicly in the streets with arms, unless under authority.

"His excellency the Taotai having been invited to join the meeting, and the above having been communicated to him, he agreed after consultation to issue forthwith a proclamation embodying the following points—

"1. That the present difficulty was in course of adjustment by the proper authorities when the mob began the riot.

"2. That such demonstrations by mobs cannot and will not be permitted. When disputes arise they should always be settled by the authorities, and that any attempt by the populace to take the law into their own hands will be promptly redressed by all available foreign and Chinese force.

"3. That all quiet, well-disposed persons are called upon to discourage rioting of every kind, and to maintain order.

"4. That the Chinese authorities are taking measures to arrest and punish the ring-leaders in the late disturbance.

"W. H. MEDHURST,
"Her Majesty's Consul.

"E. LUEDER,
"Kais Konsul.

"F. B. FORBES,
"Consul-General of Sweden and Norway.

"L. VIGNALE,
"Italian Consul-General.

"RUDOLF SCHLICK,
"Austro-Hungarian Consul.

"J. E. REDING,
"Acting H. I. R. M.'s Vice-Consul.

"ALFRED DENT,
"Acting Vice-Consul for Portugal.

"E. H. SLAGHEK,
"Consul for Netherlands.

"W. KESWICK,
"Acting Danish Consul.

"J. J. DE EMPERANZA,
"Consul for Spain.

"ED. MOREL,
"Belgian Consul.

"GEORGE F. SEWARD,
"United States Consul-General."

Perhaps the best appendix we can give to this section of our narrative will be to reproduce the translation of the following series of Chinese proclamations to which the affair has given rise, and which we copy from to-day's Daily News.

First comes a notice by the Ningpo guild, which purports to have been written with the object of averting disturbance, though it is a question whether it was issued till after the riot:

"PROCLAMATION BY THE NINGPO GUILD.

"The guild has already petitioned the Taotai and hsien in the above matter, and these authorities are in correspondence with the French consul-general, begging him to direct the municipality to alter the proposed course of the roads; and the matter is all but satisfactorily adjusted. Let all our fellow provincials, therefore, mind each his own business, and not assemble in crowds to follow unlawful counsels and create disturbances,

"Tung-chih, 13th year, 3d moon."

The following proclamation, in which the Taotai affects to regard the fire as purely accidental, and the mob as merely the usual assemblage of spectators, matches, in the liberties it takes with truth for purposes of government, anything to be found in *Macchiavelli* or the *Eikon Basiliké*. It was issued on the night after the fire, (3d May)

"A GENERAL PROCLAMATION.

"Whereas, on the French side some houses caught fire, and the populace assembled in multitudes to witness it, I then sent out mandarins with seals [the Chehsien and waiyuen, or official deputy of the Taotai] to lead soldiers to put out the fire and to restrain the mob. The Ningpo merchants of Shanghai and people generally should attend to their own affairs and keep order. If there should be any found inventing idle stories and inflaming the minds of the populace, or laying hold of causes to create a disturbance, they must be regarded as vagabonds and ruffians who have no respect for the law, and will be at once arrested and dealt with summarily. It is proper that I should inform the soldiers and people by proclamation that they must, one and all, respect and not disobey the laws."

Earlier on the same day the same magistrate had prepared the following proclamation, but which, though bearing that date, is said not to have been issued till the following day, (4th May :)

"A GENERAL PROCLAMATION.

"It appears that the owners of the lands of the Sz-ming-kung-so have asked that the opening of a road shall not be carried out. Some time ago the head men of the Ningpo guild, Chow Ta-lin, Chow-Chung, and others, came to the Yamun with a petition, and I at once communicated with the French consul-general, requesting that he would order the members of the municipal council to act in accordance with it. Although I did not receive an official [or written] answer, a Waiyuen [deputy or interpreter] had already communicated the consul-general's verbal reply, to the effect that the councilors were absent from Shanghai, and that it would be necessary to await their return, when the matter would be discussed. The consul-general, however, with a clear perception of Chinese affairs, knowing that the Sz-ming-kung-so had existed for a very long period, that the graves there are extremely numerous, and that if the road was opened it would be difficult to avoid injury to them, promised to instruct the council to stay proceedings, and thus to bring the affair to a satisfactory termination. The heads of the Sz-ming-kung-so had waited also on the consul-general with a petition, and earnestly entreated him, and he likewise assented to their request. All this is on record. It therefore behooves people quietly to wait till the matter is discussed and settled. There is no reason for seeking excuses to create a disturbance. I hope that the people and merchants of Ningpo will in future attend to their occupations, and carefully keep within the pale of the law. You must not lightly believe idle stories and illicitly cause commotion, laying yourselves open to be brought to trial and examined and punished. There will be no excuse. Do not disobey. A special proclamation."

The next and last proclamation, issued yesterday, (5th May,) is based on the consul-general's placard of the day before, and shows how eager his excellency is to give to the questionable concession made by the consul-general the force of an accomplished fact:

"H. E. SHEN, Taotai, issues another proclamation for general information.

"It appears now that the horse-road is not to be constructed within the bounds of the Sz-ming-kung-so; and I have directed the elders of the guild to immediately put up a wall in order to define the boundaries. I have already personally interviewed the French consul, and by consultation arranged that he will issue a proclamation, and I have no doubt that the proclamation in question has been generally seen. In all matters connected with foreigners and Chinese, the people should invariably await the decision of the mandarins, and should not create disturbances. If, after this, rowdy characters do not respect the injunctions of the authorities, but concoct idle stories, and inflame the hearts of the multitude even unto quarreling and fighting in numbers, I shall decidedly deal with them with the utmost severity of the law. But I cannot bear to punish without warning; therefore, it is right that I should, in incisive (or unmistakable) words, warn you. I trust that the merchants and said people will all be aware of this. You have each of you families, and, while there is yet time, ought to awake to the importance of respecting the law, attending to your business, &c. I very much grieve for the people, and do not shirk earnestly and repeatedly warning them. Do not disobey. A special proclamation."

THE RIOT IN THE FRENCH CONCESSION.

In several of our issues last week, we gave in considerable detail an account of a riot which occurred in the French concession on Sunday, the 3d May, serious in itself, and yet more serious in view of its possible consequences. We have now an opportunity of briefly sketching the circumstances that led up to that outbreak, which will throw needed light on the narrative and documents which we have already published.

To begin at the beginning: There is, and has long been, a native mortuary chapel, known as the "Ningpo Joss-house," near the southwestern extremity of what is now the French concession. It is used as a place where the coffins of natives of Ningpo, who die in Shanghai, are kept till the necessary means have been provided or arrangements made for their removal to be buried in the ancestral burying-grounds of the deceased in their native district. It would also appear that some uninclosed land contiguous to the Joss-house has been used as a place of burial for indigent persons, and is administered by the committee of the Joss-house, which, we believe, is the Ningpo Guild, or some of their number. When the vacant spaces around this were occupied by the allies, who assisted the Chinese against the Taipings in 1861-'62, the grave-mounds, with which it abounded, were leveled, for military reasons. On the retirement of the troops it became a part of the French concession. In 1864 the annual municipal report stated that the executive had at length overcome all the difficulties it had to contend with in settling with the proprietors of the ground that had been covered by graves, and had so arranged matters that only two grave-yards remained—the cemetery of the French marine, and the Ningpo Joss-house. The land-renters' meeting to which this report was submitted was, if we mistake not, presided over by M. Godeaux, then acting consul, now consul-general. The vacant ground was, in 1865, laid out in oblong blocks separated by lines of road marked off by shallow drains, and in 1870 a plan of the concession was engraved, on which the roads were laid down and named. Running along the northeast face of the Joss-house was "Rue de Ningpo," along its southeast face the "Rue de Saigon." So things remained till toward the end of last year, when the council proposed to raise and metal the roads in question, and others contiguous. In January last, a communication (which we have already published—issue of 9th May) was received from the Ningpo Guild, which is the administrator of the Joss-house, and, as it would appear, of some of the lands adjoining. It will be seen that, in language which to those unacquainted with the history of the case must appear very temperate and considerate, they state their objections to the proposed roads being carried out, and offer to build, in close parallelism to them, roads in their stead. From that time to the present, negotiations have been going on; the Taotai, on the one hand, and the consul-general, on the other, being called in to argue the matter. The French council have been unwilling to agree to the proposals of the guild, because a very large part of the concession is built on ground that once was graveyards, and if they once admitted the principle on which the guild base their demand, it might seriously affect the titles of many existing foreign properties. They admitted that the two particular roads in question are of no great public utility, but so important did they feel the principle involved in the claim to be, that, we believe, toward the latter part of the discussion, some such expression as this was used: that, rather than agree to the proposal of the guild, the council would prefer to have the Joss-house removed, and provided with a site elsewhere. This was a very natural expression, as only a year or two ago the cemetery of the French marine (referred to above) was moved to a new situation about a mile west of the cemetery; so that, in suggesting the possibility of the bodies of the deceased Chinese being removed, the council went no further, even in suggestion, than they had already proceeded in fact with the bodies of their own countrymen. It will be noticed that this view of the case is very adroitly ignored by the guild in their plausible document of January. Indeed, it is notorious that nothing has been more common in the history of the foreign settlements in China than the removal of graves by arrangement with the representatives of the deceased. How the present case should be rendered more difficult to deal with, because the ground in dispute outside the Joss-house is the burying-place of beggars, whose removal would lacerate no family ties—which is an argument used by the *Daily News*—is a kind of logic we fail to understand. But the expression about the removal of the Joss-house was so used by the representatives of the guild that a large amount of popular excitement was at once evoked, it being represented among the people that the council had determined to pull down the Joss-house. About the beginning of last week large crowds began to assemble at and around the Joss-house, and the excitement grew by the mutual contact of suspicious multitudes. The consul-general appears to have all along shown himself strongly disposed to concede the wishes of the guild; which, no doubt, to a large extent accounts for their pertinacity with the council; and at last it was arranged that another meeting between the council and the representatives of the guild should take place on Monday, May 4. It is understood, also, that the council, finding that by the policy of the consul-general the whole odium of upholding what they regarded as the rights

of foreigners, in opposition to the claims of the guild, was thrown on them, after much deliberation had privately made up their minds to agree to the proposals of the guild, with some slight modifications. This, however, was not known to the Chinese, and on Saturday the rumor was very prevalent in the concession and northern settlement that there was to be an outbreak on Sunday. It was thought, however, to be mere rumor, and excited no active attention. This will sufficiently show the attitude of the parties concerned up to Sunday forenoon. For subsequent events we refer our readers to the narrative and documents published.

Opinions are divided as to the wisdom of the council's action in its negotiations with the guild. At the same time, we are bound to say here that much of the criticism we have heard adverse to the council appears to us to be based on ignorance of the history, and consequently of the nature, of the question at issue. We are, therefore, glad to hear that there is in preparation a memoir of the whole case based on official records of undoubted validity. Perhaps, however, it may be regarded as a tacit confession that they had erred in judgment; that they should have decided, at the last moment, to concede the demands of the guild. But that conclusion is weighted by the double consideration that the ultimate demands of the guild may have differed materially from those originally made, and that even those last were to be accepted only with modifications. But, while there is this difference of opinion as to the original question, there is a remarkable unanimity among all ranks and nationalities of the foreign community in the opinion that, after the murderous onslaught of Sunday, no question of the rights or claims of the guild should be entertained till a thorough investigation has been made, and justice done according to the issue. As to the ultimate motive and object of the riot, it is difficult to arrive at a clear decision. Some are of opinion that the feelings of the people having been strongly excited, a number of vagabond literati, who abound in every large Chinese town, fostered and fanned it by scandalous reports, and having thus drawn together large crowds on Sunday, incited them to acts of violence, either with the purpose of gratifying their hatred of the French, or for the more sordid purpose of plunder. It will be observed from our narrative that the occurrences of the day give countenance to either of those alternatives. But those acquainted with the tactics of the governing bodies of China are strongly of opinion that the riot was deliberately planned by the guild, and possibly even winked at by the Taotai. How, otherwise, are we to account for the marked manner in which the property of Ningpo men was respected, and the hostility of foreigners in general was deprecated by very scrupulously confining the violence to those who were, or who were supposed to be, French? Indeed, we have the positive statement of a well-informed native that agents were employed by the guild to engage bands of unemployed, rowdies, &c., to raise the riot. The most feasible explanation seems to be that the guild, having in prospect the interview of Monday, thought that a popular demonstration, according to usual Chinese custom, would have a "moral" influence on the decision of council. We have not space now to discuss the justice or injustice of the universal condemnation which the conduct of the French consul-general during and since the outbreak has called forth. We must leave our record of his procedure, which will speak for itself in the meanwhile.

THE NINGPO MEN'S MEMORIAL.

SHANGHAI, January 27, 1874.

To the members of the municipal council, French concession:

GENTLEMEN: The undersigned, managers of the Ningpo Joss-house grounds, beg leave to bring under your notice the following statement relative to their property situated at the back part of the French concession.

Some time ago the former municipal council proceeded to lay out roads and streets on that part of the concession where the Ningpo guild-property lies, and in doing so have marked out the road on that part of our ground which is very densely packed with coffins containing the remains of deceased Ningpo people. (Red on plan.) To make the road and have a traffic in carriages and vehicles over the remains of the dead is very abhorrent to our ideas, as we do not believe that their spirits would rest in peace; and to disturb their remains by digging them up and carrying them away elsewhere is equally repulsive. The whole of our ground situated at the rear of the concession, around the Joss-house, is very closely filled with the graves of our people of former generations—on the east side of the Joss-house as much as in that part to the west, although it may not appear so, from the ground having been leveled. Previous to the occupation of the Joss-house by the English troops as a barrack the whole of our ground was surrounded and protected by a brick wall, which was partially destroyed by the troops, and the bricks of the remaining portion stolen and carried away. Since then it has lain undisturbed, and as an open field. We have no record, nor are we aware that

at any time any part of the Ningpo guild-ground has been surrendered to the public, or to any one on the public behalf, by any written agreement; nor have the guild ever been consulted, so far as we are aware, as to their readiness to part with their lands.

The only time that we know of where we have been asked relative to the matter of roads was about three months ago, or so, when some one from the municipal office called on the man in charge of the Joss-house and asked for a strip of land 13 feet wide, to form one side of the street proposed that runs parallel to the Rue du Consulat. This request was acceded to, and had 13 feet been taken, or even the whole 26 feet, if it had only been off the outside boundary of our land, we would have had nothing to say on that point to-day, as the outside boundary of the land was formerly a creek, and in that line of ground marked C on the accompanying plan we have no dead buried.

We are very desirous to come to some arrangement, if possible, with the municipal council, whereby the proposed new street may be diverted from its present line, and so leave the graves intact. First, we propose that the street may be made to diverge at the point marked D on the chart, and from there run along the outside of our ground, which is over the filled-up creek, till it reaches the Sikaway road. If this proposal is not acceptable, and you have objections to the line of street in consequence of the bend at the point D, and that it does not run in a straight line into the road leading to the creek, then we propose to acquire, from the Tong-shing-dong and other proprietors, a strip of ground 26 feet wide, which will run in a straight line with the outside of our ground, marked S on plan. This we will hand over to the council in place of that now marked out by them; and this, as we propose, will make a straight street for its whole length. And if it is desirable on public behalf to have the streets straight, then what we propose would be better than that now traced out on the ground, as what we would give would make a better junction with the road on the creek side, toward military and naval old cemetery.

To carry out this plan, if you accept of it, we do not anticipate any trouble, as the Tong-shing-dong has no graves in that part of their ground. We are ready and willing to bear all expenses in the purchase of houses and grounds to get a straight street. And we will also recoup the municipal council any moneys that may have been expended in laying out the streets to the present time.

With reference to the street parallel to the Sikaway road, marked G on the plan, it cannot be of utility to the public in any way, as it only gives access to the creek side in toward the concession; but the other street gives the same benefit much more conveniently, while it is of no use leading out toward the west gate, as the right of way stops at the limit of the concession. We think this might be allowed to remain unopened, and that it remain so while the ground is used as a burial-ground.

The ground all around it belongs either to the Ningpo guild or the Tong-shing-dong, and neither of the societies have any will or desire to use their grounds for any other purpose than they are now used for. The Ningpo people will not allow, if they can help it, their ground to be built upon, while they have had it confirmed to them as cemetery-grounds by various acts of the French authorities.

While laying these statements and proposals before you, we beg to remark that it is not from any desire to cause trouble that we act in this manner, but simply that the graves in our former cemetery may not be desecrated, and that the bones of our ancestors may remain undisturbed. This feeling on our part you may understand, as we believe it is one not uncommon to foreigners in regard to the graves of their dead.

Trusting you will give the foregoing your kind and favorable consideration, so that an amicable agreement may be come to.

Waiting the favor of your reply, we remain, gentlemen, your obedient servants, &c

[Inclosure 3 in No. 35.]

Mr. Williams to Mr. Seward.

LEGATION OF THE UNITED STATES,
Peking, May 23, 1874.

SIR: I beg you to accept my best thanks for your dispatch No. 362, of the 11th instant, giving an account of the riot in the French settlement on the 3d instant, and your proceedings in aiding to quell it, with sundry details of the course of events on that occasion. The fullness of the report seems to leave nothing to be desired to understand what was done; and I am sure that you deserve the hearty thanks of your countrymen, and of the community generally, for your promptness in ascertaining the existence and efficient aid in suppressing the violence of the mob. It is a matter for thankfulness that no more lives were lost or property burned.

I beg you to present my sincere thanks to the commanders of the United States steamers Ashuelot and Yantic, and through them to the officers and crews, for the willing aid rendered by landing detachments as soon as you requested it. The pres-

ence of this trained body of armed men had, I cannot doubt, a powerful effect in restraining the mob from attempting any further violence.

I cannot now answer fully your request for directions as to the course to be taken in regard to the losses incurred by our countrymen. The question of the responsibility for the riot is rather a complicated one, and its answer demands more knowledge on one or two points than I now possess. I think, however, that it is safe to say that if the whole foreign community at the port of Shanghai had been under one council, no trouble would have arisen in respect to the arrangement of this dispute about the graves. However that may be, I wish you would give me some particulars of the various claims for damages suffered by American citizens.

I am, sir, &c.,

S. WELLS WILLIAMS.

No. 144.

Mr. Fish to Mr. Avery.

No. 2.]

DEPARTMENT OF STATE,
Washington, June 27, 1874.

SIR: Herewith I inclose a copy of "An act relating to Ambassadors, Consuls, and other officers," approved on the 17th instant, and invite your attention to that part thereof relative to recommendations by diplomatic officers of the United States, of citizens of the same, to positions of trust or profit under the government of the country in which they are located, without the consent of the Secretary of State being previously obtained.

You are consequently instructed, whenever, in your opinion, the interests of this Government will be promoted by the appointment of Americans to office in China, to make such recommendations relating thereto as you may deem proper. You will, however, be expected to report each case to the Department.

I am, &c.,

HAMILTON FISH.

[Inclosure.]

AN ACT relating to Ambassadors, Consuls and other officers.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That no Ambassador, Envoy Extraordinary, Minister Plenipotentiary, Minister Resident, Commissioner to any foreign country, chargé d'affaires, Secretary of Legation, Assistant Secretary of Legation, Interpreter to any legation in any foreign country, Consul General, Consul, Commercial Agent, consular pupils, or consular agent shall be absent from his post or the performance of his duties for a longer period than ten days at any one time, without the permission previously obtained of the President. And no compensation shall be allowed for the time of any such absence in any case except in cases of sickness; nor shall any diplomatic or consular officer correspond in regard to the public affairs of any foreign government with any private person, newspaper, or other periodical, or otherwise than with the proper officers of the United States; nor, without the consent of the Secretary of State previously obtained, recommend any person at home or abroad for any employment of trust or profit under the government of the country in which he is located; nor ask or accept, for himself or any other person, any present, emolument, pecuniary favor, office, or title of any kind from any such government.

Approved, June 17, 1874.

No. 145.

Mr. Williams to Mr. Fish.

No. 44.]

LEGATION OF THE UNITED STATES,
Peking, July 7, 1874. (Received September 1.)

SIR: I have the honor to send you the documents and reports (inclosures 1 to 12) connected with the recent trial at Chefoo, growing out

of the attack made by the people of Chi-mi on an American missionary, Rev. H. Corbett, residing there. I have not heretofore sent you any of the papers connected with this affair, since at no time was it possible to indicate the result; and you have now the whole story. Mr. Sheppard's report (inclosure 8) furnishes so full an account of the origin, progress, and results of the disturbance, and of the steps taken to induce the intendant at Chefoo to bring the offenders to justice, with the details of their trial and punishment, and subsequent indemnity for Mr. Corbett's losses, and his return to Chi-mi, that I shall not attempt to add anything to it.

As soon as the leading particulars of the assault were received from Mr. Corbett, (inclosure 1,) Mr. Cornabé, our consular agent at Chefoo, made them known to the intendant, (or taotai, as he is usually called by foreigners,) and continued to give him the subsequent details of outrages suffered by the native Christians, at Chi-mi, urging him to uphold law and order by the arrest and punishment of the guilty. I inclose only one of his replies, (inclosure 4,) for the whole correspondence will not interest you; and this specimen is enough to show the manner in which the simplest statements can be misrepresented when it serves the end of the officials to shirk their duty. The most noticeable thing in it is the charge brought against the convert Wang Li-tung, of an attempt to kidnap a child for the Roman Catholic Church; but this allegation was so barefaced and unfounded that it was not even referred to on the trial, much less attempted to be proved against him, as soon as it was found that he was a Protestant. Nothing of this kind had ever been done in that region, and the local officials trumped up the charge, most probably because it would be readily believed elsewhere.

As soon as the report of these things reached me, six weeks after their date, (for our communication with Chefoo is slow in winter,) I brought it to the notice of the foreign office, which immediately sent a copy of my complaint to the governor of Shan-tung. (Inclosure 2.) As soon as more precise details were received, I also desired Mr. Sheppard to take charge of the case, which, it was plain, would require much patience and decision to bring to a satisfactory end. (Inclosure 7.) At the first interview which they had, the intendant evidently looked upon the affair as having no serious importance—probably, among other reasons, because there was no loss of life—and wished to regard it as already in effect settled. (Inclosure 8.) This being the case, and full evidence of his disinclination to uphold the treaty being received, I again brought the affair to the notice of the foreign office, urging that there was no reason for this tardy action; and received a reply that he would be told to attend to its adjudication, which was immediately done, as he himself acknowledges in his subsequent report. (Inclosures 5 and 6.)

This report of the intendant is an interesting document when read in connection with his reply of February 7 to Mr. Cornabé and Mr. Sheppard's dispatch. In it he undertakes to explain away, or else admits, every charge which he at first declared was unfounded. The previous portion of that correspondence had probably been sent to his superiors, and it was now necessary to exhibit a degree of diligence in maintaining the peace in Chi-mi, by proving the falsity of some charges which were never made. His proclamation (inclosure 9) will be regarded with some respect for a time, and the native Christians can appeal to it as upholding their right to adopt a faith so different from most of their countrymen. Since Mr. Corbett's return, though he himself is treated with respect, it is reported that his brethren still suffer contumely and are

shunned, but nothing worse than hard words seems to have yet been experienced.

One thing is observable in this trial. No evil conduct was charged against the native Christians by their countrymen, and no excuse was offered by them for cutting down their fruit-trees, robbing their houses, or assaulting and wounding them, except that they were followers of a foreign faith. A testimony of this kind to their blameless living can hardly fail to have a beneficial effect in that region, and the report of these things in other parts of Shan-tung will perhaps tend to restrain future outbreaks. The circulation of news is not very rapid in the inland parts of the province, especially among the agricultural and laboring classes; but the notoriety of the trial, and the willingness of the intendant to do justice in punishing his guilty countryman for acts done to a foreigner, will, it may be hoped, give this an exceptional influence for good.

Another thing may also be referred to. The intendant is very careful in his report (inclosure 11) to particularize certain charges of ill-usage suffered by converts at Chi-mi, contained in Mr. Cornabé's letters to him, and to state that they had all been ruled out of court as not being under its jurisdiction, adding that this was done with the full consent of the United States consul. He alludes to this right of the Chinese government to exercise exclusive jurisdiction over its own subjects, in the proclamation issued to be posted in Chi-mi; and it is a point on which the authorities are becoming more and more sensitive, especially in reference to missionary operations. In that proclamation he quotes the twenty-ninth article of the treaty, and then sets forth most distinctly the independent jurisdiction of each nation over its own subjects. This distinction appears easy enough in theory, but even some of our best-informed countrymen appear to have come to the conclusion that because the article says that those who peaceably teach and practice Christianity shall not be molested, it involves the right to compel the Chinese to take up the cudgels when their own people are molested for professing Christianity.

The result which has been attained in this trial is owing mainly to the decision and perseverance of Mr. Sheppard in asking only for the rights guaranteed by the treaty, and convincing the intendant that he must maintain them and punish the guilty before the case would be dropped. He was materially assisted by the missionaries at Chefoo in translating and interpreting, and the list of the men concerned in the attacks on Mr. Corbett furnished by the native converts, with their evidence of the part each one took in the acts of violence, was of material advantage in fixing the guilt on the right persons. I would respectfully suggest that Mr. Sheppard's action in this case may receive your special approval.

I have, &c.,

S. WELLS WILLIAMS.

[Inclosure 1 in No. 44.]

Statement of Rev. H. Corbett.

DECEMBER 22, 1873.

On the 1st of December, as I was passing through the market-town of Hwa-yin, about forty li south of the city of Chi-mi, I was followed by a crowd of men attending the theatre there, who attacked me with stones, crying out at the same time "Hit him," "hit him;" and "Kill him," "kill him." Returning in the evening, and passing by the same place, the crowd rushed forward to meet me, fully occupying the road on both sides, and leaving but a narrow passage for me in the middle. When I came up to them

I saw that several of the men had stones in their hands, which they threw at me, hitting me in several places and injuring also my horse. I urged my horse forward with all possible speed, but the men pursued me quite outside the town. On the following day I went with my passport to the local magistrate, stating the above facts. He promised to investigate the matter, and that he would see to it that I had no further difficulty in the future. On the second day he issued a proclamation for the purpose of restraining the people, which he sent to me to read. The proclamation stated that foreigners had a perfect right, according to the treaty, to propagate their religion in the interior. In it the district magistrate also stated that he had received special instructions from his superior officer to afford protection to all persons propagating their religion according to the treaty. On the same day I went to the town of Hwa-yin, and learned that the proclamation had not been posted. I then wrote to the magistrate informing him of this fact, and begging that he would attend to this matter immediately, for fear that by being neglected it would grow worse, and stating that there were other villagers who had formerly received me cordially who did not now dare to hold intercourse with me. In consequence of this several proclamations were posted in different places, the magistrate thus far fulfilling his promises, but failing to apprehend or punish any one. Yesterday, on the 19th of the month, I, with several native Christians, went to the yuh-hwang temple fair, which is about thirty li south of the city. On approaching the place a great many men ran to meet us. There was such a crowd and uproar that I did not attempt to preach or distribute books, but only endeavored to conciliate and quiet the people. I was suddenly attacked again on all sides with stones, by which I was struck several times. I then ran into the temple to escape from danger. The crowd rushed in after me, filling the temple and the court, and stones were hurled at me from all directions, both inside and outside. While I was in the temple for a few moments, thinking how I could best escape, the mob only increased, and I determined to run the risk of forcing my way, if possible, through the people. As I rushed out the people followed me in crowds, but fortunately for me a few men behind me fell down, thus blocking up the way for a moment and giving me barely time to mount my horse and gallop off. The people followed, pelting me with stones and clods of earth; some of the native Christians seized hold of a few of the leaders, restraining them for an instant, thus further facilitating my escape. I urged on my horse and got out of the way, followed by a shower of stones. After my escape the people sought out and fell to beating the native Christians. One old man was severely wounded by a stone, so that he could not walk, and was carried to the house of a friend to have his wounds attended to, being unable to get to his home, though it was not far off. Another person was knocked down by a stone, which cut a large gash on his head. Others received wounds more or less severe. The people continued in a state of lawlessness, and there is reason to fear that the mere issuing of proclamations will be insufficient to restore order.

[Inclosure 2 in No. 44.]

Mr. Williams to the ministers of the foreign office.

LEGATION OF THE UNITED STATES,
Peking, February 6, 1874.

SIRS: I have heard it reported that Mr. Corbett, an American missionary, who had been desired by the Christians of Chi-mi, in Shantung, to come and preach to them, and had lived there quietly for some months without any difficulty arising, teaching the converts at their request the doctrines of the Scriptures, suddenly became the object of the suspicions of the people. In December, hearing that several hundred reckless men were out against him, and being aware of it, he escaped with his children and got away; but the riotous people then surrounded and burst into his house, destroying his books and things utterly. Mr. Corbett happily reached Chefoo without suffering any violence himself.

As this case is one which, if not thoroughly investigated, will, it is to be feared, grow into something very serious, I make it known to your excellencies, with the hope that orders may be sent to the proper authorities in Shantung to fully inquire into and learn the causes of this disturbance in that region, with the grounds of the popular suspicion, so that the affair may be equitably judged and settled. This is highly important.

I avail myself of this occasion to wish your excellencies the highest happiness.

S. WELLS WILLIAMS.

[Inclosure 3 in No. 44.—Translation.]

Ministers of foreign office to Mr. Williams.

TUNGCHI, 13th year, 1st moon, 8th day, (February 24, 1874.

The members of the foreign office return their compliments.

Your excellency's note, giving the report respecting an American missionary at Chi-mi in Shantung, has been received, in which you state that in December last several hundreds of reckless men were out against him, but being aware of it he escaped with his children, while his house was afterward surrounded and broken into, and his books and things utterly destroyed.

We have now to state that orders have been sent to the governor of Shantung to direct that a thorough investigation be made into this affair, with a view to its equitable adjudication and settlement; and when his report of the proceedings taken is received, we will have the honor of again addressing you and making known what has been done.

With the present reply we take the opportunity of wishing you every happiness.

Cards of

WÂNSIANG,
PAO-YUN,

And seven other members of the foreign office.

S. WELLS WILLIAMS,
United States Chargé d'Affaires.

[Inclosure 4 in No. 44.—Translation.]

The Taotai to W. A. Cornabé, United States vice-consul.

FEBRUARY 7, 1874.

The day after starting for the provincial capital, on public business, I had the honor to receive your dispatch, stating that you had been informed by the Rev. H. Corbett that the people of Chi-mi had collected a mob and assaulted him, and requesting me to inquire into the matter. I also received your letter stating that he had further informed you that the people there had collected 300 men for the purpose of injuring him, and had also carried off his donkey, &c.

While I was purposing to investigate this affair, I received the report of the magistrate of Chi-mi, stating "that on the 1st December, at the market-town of Hwa-yin, during a theatrical play, a native named Wang Li-tung, there present, in front of the Yuh-hwang temple, seized a child of thirteen years, called Li-San-man, crying out that he wished to take it to the Tien-chu-tang (Roman Catholic church) to enter the faith. The child screamed, and the crowd at the theater, moved by a common resentment, rescued it. Wang Li-tung then proceeded to drag from the ground a man called Kiang Kwan-kih, but the crowd rushed forward and pursued him, while he, leading on a number of men, resorted to violence. Fortunately the men at the theater were many, and succeeded in reclaiming also Kiang Kwan-kih." Thus this native Chinese dares in open day to kidnap children, and then requests that the matter be investigated. (Original obscure.) I suppose that this affair is the one referred to in your dispatch. What a discrepancy between these two representations!

When foreign missionaries propagate their doctrines in the interior, their intercourse with the natives should be peaceable, and friendly relations be maintained. In the present affair it is evident that both parties were to blame, and each of them has told its partial story, hoping that it would be believed. Seeing that it concerns the intercourse between this and foreign nations, we must carefully discriminate between the false and the true, and follow up the matter (to a settlement) so as to insure peace in future.

On my departure from Chefoo I designated Wang Shin-jin, an expectant prefect, to go at once to Chi-mi, and, in connection with the magistrate, examine the matter and report to me. On my return to Lai-chau he reported to me that the origin of this affray was really found to be this: A great many people were assembled at the theater, and Mr. Corbett brought his three children to enjoy themselves there. The people were not familiar with the sight of foreign children, and gathered around to look at them, which Mr. Corbett opposed by sharply rebuking them. In consequence of this the crowd increased, and he took his children and left. There was certainly no such thing as attacking and stoning him.

It was simply that the convert Wang Li-tung seized hold of a child at the theater, named Li San-man, and was carrying him off, as he said, to have him join the church.

The child screamed and resisted, but Wang, holding it firmly, was running away, when the people at the theater, moved by a common indignation, rushed forward and rescued it. Wang then led on a company of men and began to fight; both sides refused to yield, and men received wounds from each other.

In regard to a mob gathering at Chi-mi, it was because the people were incensed by seeing Wang Li-tung trying to force people to enter the religion, and came to the city to institute a suit and stop such proceedings. This affair occurred when many candidates were gathered for the examination; but beside this, there was no other assemblage of the people.

In regard to Sü Yin-tsoh going to Ko-fau and carrying off a cow and an ass, I learned that Mr. Corbett had a house there, and when he returned to Chefoo he left these animals and sundry articles in charge of an assistant named Lin Lung-méi. Many people in the neighborhood, hearing of this attempt at forcible proselytizing, went to Mr. Corbett's house to inquire into the matter; but really, his goods were none of them carried off. His cow and ass broke the ropes which held them and ran away to the hills, seeking for food, but there was no such thing as leading them away. The magistrate had them found and brought back, and delivered to Lin. These things can all be proved by evidence. Just now there is no gathering among the people to create disturbance.

In looking at this whole affair (says the Taotai) in reference to foreigners going into the interior to propagate Christianity, it is well understood that those who preach it and those who adopt it are to receive the same protection as other people, but no permission can be given them to force others to enter it. Now, when Wang Li-tung violently dragged away this child he began an incipient rebellion—a thing much to be detested; and such village brawls cannot be allowed to extend. All the parties concerned in this affair ought to be summoned before the magistrate for a thorough judicial investigation and settlement.

On my return (to Chefoo) I directed the same Wang Shin-jin to return to Chi-mi and make known these instructions. I am informed that the people there desire to settle this matter, and that when Mr. Corbett comes back they will treat him in the most friendly manner; no similar disturbance shall again arise, and they beg that further judicial proceedings may be stayed. In the disturbance which arose at the theater, it appears that no man took the lead; and it would be difficult to summon the real persons (who caused it.) Much of what is reported is false. Since there is a willingness to settle the affair and resume friendly relations, it is advisable to stop all litigation. This would be of advantage to the missionaries.

I therefore make this reply; and if my proposal pleases you, may I ask you to summon Mr. Corbett, and instruct him in future to earnestly enjoin upon all who are connected with him that they will not be allowed to create such disturbances in future? In conducting law-cases in the interior, private interference (on the missionary's part) will not be allowed.

I shall issue a stringent proclamation, informing the people of that district that they will not be allowed again to show disrespect to missionaries, but must seek for lasting peace, stop their litigations, and be sincerely friendly.

In respect to Mr. Corbett's complaint that trees have been cut down at Pan-hien, and other outrages committed at Ta-lao village and Tung-kia-ngan, I have directed the district magistrate to make inquiries and report, but have not yet heard from him. It is probable that mutual distrust and misunderstanding have arisen from these false rumors. If this affair be soon settled, the minds of people in other places will be quieted.

With this reply, I take the opportunity to wish you the compliments of the season.

[Inclosure 5 in No. 44.]

Mr. Williams to the ministers of the foreign office.

LEGATION OF THE UNITED STATES,
Peking, April 4, 1874.

SIRS: I have already brought to your notice the attack on Rev. H. Corbett by the people of Chi-mi, who stoned and robbed him, and then received a reply stating that orders had been sent to the governor of Shantung to examine into the affair.

I have since received a report from the American consul at Che Foo, who has been investigating this case with the intendant there, in which he complains that the latter is dilatory, and is trying to slur over the whole affair of the attack and robbery of Mr. Corbett. His report leads me to ask why the intendant should delay the case three whole months, and then just turn around and say that he had finished it? It is not easy to explain this, except by supposing that he is partial in some way. If he will

examine the 11th article of the treaty he will see what is required to be done, and that his report of the facts is entirely at variance with what the consul has ascertained. The names of more than ten men, who were engaged in the robbery, have been given in with the evidence, and yet he avers that the case is already finished. I think this shows clearly that he is unwilling to try it at all.

I therefore earnestly request that other orders may be sent to Shantung requiring the governor to direct his subordinates to have this whole matter tried in Chefoo, to which place the criminals, and all that are connected with it, shall be removed, and where the intendant shall summon the witnesses. Here, in conjunction with the consul, it can be fully examined and decided in accordance with equity and the criminals punished. It will not be difficult, under such circumstances, to get at the truth; for, as the proverb says, "when the water has fallen the rocks appear."

As I write this note I improve the opportunity to wish you every happiness.

S. WELLS WILLIAMS.

[Inclosure 6 in No. 44.—Translation.]

Ministers of foreign office to Mr. Williams.

TUNGCHI, 13th year, 2d moon, 26 day, (April 12, 1874.)

The ministers of the foreign office return their compliments.

We have received your excellency's note respecting the robbery of Mr. Corbett. [Here follow its leading points, and a summary of what their former note contained.]

We have now, in compliance with your request, again urged the governor of Shantung to enjoin upon his subordinate immediately to examine this affair in accordance with justice, and punish the wrong-doers, and report the conclusion as soon as possible; and now send this note in reply for your information.

Cards of

PAO YUN,
MAO CHANG-HI, &c.

To S. WELLS WILLIAMS, &c.

[Inclosure 7 in No. 44.]

Mr. Williams to Mr. Sheppard.

LEGATION OF THE UNITED STATES,
Peking, March 11, 1874.

SIR: I have received three dispatches from Mr. A. Cornabé, United States vice-consul at Chefoo, dated 12th January, 28th February, and 2d March, all of them relating to the attack on Rev. H. Corbett, at Chi-mi, on the southern side of Shantung promontory, and detailing the action he had taken in procuring redress for this violence, and compensation for the property destroyed; he also incloses copies of the communications which have passed between him and the Taotai upon this matter, from which it is plain that the latter is disinclined to prosecute the affair to a satisfactory conclusion.

Under these circumstances I wish you would proceed to Chefoo and see what further steps can be taken to bring the affair to a conclusion according to the obligations of the treaty and justice. It seems from the papers here that the messenger sent to Chi-mi from Chefoo, and the district magistrate of that place, have given in statements to their superiors of the affair which are plainly distorted and imperfect, and designed to shield him from all culpability.

You will therefore find it necessary to get the evidence of the persons best acquainted with all the circumstances of the affair, so as to counteract these *ex-parte* reports. In asking for redress, the arrest and punishment of the ringleaders should be demanded, as well for the future security of foreigners going there, as for the maintenance of order. A careful list of the property should be made out which was stolen or destroyed, with its actual value, and compensation made to Mr. Corbett for his losses. When these two points are obtained, the district magistrate may well be made to issue a proclamation setting forth the freedom guaranteed to Christians and their teachers by treaty and imperial decree, to practice their faith without molestation.

I do not think it best for you to ask for any compensation for the losses of the native Christians, and it will probably be best to limit your action to that which concerns Mr. Corbett alone, and let the redress which may be given to him be admonition enough for the security it may afford to his native converts. They cannot fail to be benefited if his wrongs are redressed, and we have no such liberty of action in this respect that we can properly interfere in any direct way for native Chinese, and it is better to say nothing.

In regard to this case, it seems, from what I now know, that this popular rising was of

such dimensions as to alarm the district magistrate, who told Mr. Corbett that he could not protect him, as the power in his hands was too weak. There was no direct attack on Mr. Corbett, who, escaping by night with his children, happily avoided the violence of the mob, which vented itself on his rooms. It will be difficult, perhaps, in such a case to fix the guilt on any individual. It is a question to be decided by the evidence whether the district magistrate did what he could to warn or protect him; but he seems not to have been altogether silent and not at all inimical. The violence of a Chinese mob soon gets beyond the control of their local officials, and it is a question for us to consider how much this point is to be weighed in this case, and what degree of protection we are to expect. The case at Chi-mi differs from that at Yu-chan, in December, 1871, when Mr. Pierson was attacked, in that the latter was a simple assault with robbery, in which the populace sympathized very little.

I hope you will succeed in attaining the object for which you go to Che Foo. The further action of Mr. Corbett must depend on himself in a manner, but no force can be regularly employed to protect an American anywhere in the interior.

I have, &c.,

S. WELLS WILLIAMS.

[Inclosure 8 in No. 44.]

Mr. Sheppard to Mr. Williams.

UNITED STATES CONSULATE,
Tien-tsin, June 25, 1874.

SIR: It affords me much pleasure to be able now to report to you the final and most satisfactory settlement of the serious disturbance, or succession of riots, which occurred last December in the district of Chi-mi, province of Shantung, and originated in a feeling of hostility stirred up among the people of that district by evil-disposed persons against an American missionary who had been peaceably living and quietly pursuing his calling in their midst. This outbreak against missionaries is the first of a serious nature that has happened in the north of China since the massacre of French missionaries at Tien-tsin, in 1870, and it is the only organized disturbance that has occurred in the interior, far from a treaty-port, since the attack made upon missionaries at Yang-chow, in 1868.

The history of this case seems, therefore, in my opinion, interesting from several points of view. In the first place, it serves as an indication of the progress of public opinion regarding the labors of Christian missionaries in this country, since the previous disturbances above referred to; it shows the peculiar causes which continue to affect the peaceable residence of foreigners in the interior, and the jeopardy their lives may be placed in at any hour; it also shows to what extent the treaties existing between China and other nations are known and respected in the country at large; and, lastly, the record of this case exhibits the attitude generally assumed by Chinese officials, at the treaty-ports and in the interior, when called upon to administer justice in behalf of foreigners, whether it be asked under the treaties, or under the plainest requirements of Chinese law.

The following brief summary of the voluminous documents composing the record of this case will explain the origin, nature, and consequences of the outbreak, as well as the course of action I pursued, and the results attained by that course. About the 1st of September, 1873, the Rev. Hunter Corbett, an American missionary residing in Che Foo, left that place, accompanied by his three children, and went to the district of Chi-mi, on the sea-coast of Shantung, about four hundred li (one hundred and thirty miles) south of Chefoo, for the purpose of residing temporarily among the native Christians of that district, in response to their earnest solicitations. He was provided with a passport, as required by treaty, bearing the seals of the consular and Chinese authorities of Chefoo. He took up his residence in the village of Ko-fau, twenty-five li from the city of Chi-mi; and besides the native converts, numbering one hundred and fifty adults, Mr. Corbett found a large number of people in his vicinity desirous of professing the Christian faith.

It was Mr. Corbett's practice to move about among the neighboring villages, in company with his native helpers, preaching and distributing religious books to the people; and on such occasions the people had been found, with few exceptions, friendly and well disposed. It was not until the 30th of November that any active hostility was shown; but on that day, as Mr. Corbett was passing through the village of Hwa-yin, on his way to preach at a more distant place, a crowd of people, who had been witnessing a theatrical performance, assailed Mr. Corbett with stones and threatening language. Still later in the day, as Mr. Corbett was passing through the same village on his return home, he was still more violently attacked by the same people, who had remained in waiting for him. Mr. Corbett, being on horseback, made his escape in

safety, and the next day he complained to the district magistrate of Chi-mi, and asked for protection under his passport, in accordance with the treaty. The magistrate promised to protect Mr. Corbett and to punish those guilty of the assault; he also showed Mr. Corbett a draught of a proclamation he proposed to issue, asserting the right accorded to missionaries by the treaty to propagate religion, and the protection to be extended to native converts as well. But none of these promises were fulfilled; and it was not until Mr. Corbett had several days afterward again begged the magistrate to take action that the latter expressed his sense of duty in this matter by simply issuing the proclamation. The inevitable consequences of such official inaction in this country soon followed.

On the 17th of December Mr. Corbett went with some native converts to preach and distribute books at a fair held in the Yuh-hwang temple, thirty li south of the city of Chi-mi. On reaching the temple he was soon surrounded by an immense mob hooting and throwing stones. Nothing that Mr. Corbett and the native Christians could do or say would pacify the raging crowd, who appeared to be bent on some bloody work. Mr. Corbett took refuge in the temple, but there his position became more precarious every moment. The mob surrounded the building, filled the courts, and showered stones into the room where he was, one of the stones striking him in the face. Seeing no way of escape, at the peril of his life, and with the assistance of a few native Christians, who nobly stood forth to defend him, he attempted to force his way through the midst of the mob, and barely succeeded in doing so. He mounted his horse and galloped off amid a shower of missiles, and with the crowd in full cry after him, but he managed to make good his escape. Disappointed of their victim, the mob then fell upon the Christians who had been left behind, beating all of them and inflicting severe wounds upon some, who had to be carried to their homes. The passions of the people were now thoroughly roused, and the excitement had spread over the whole district. A crisis was approaching, which might have been averted by the display of firmness and energy on the part of the magistrate in the discharge of his duty. But his conduct was precisely similar to that of the officials during the corresponding stage of the Yang-chow affair in 1868, and of the Tien-tsin massacre in 1870; he was actuated by no motive to sustain treaty rights, nor even, as it appeared, by the common humanity of coming promptly forward with such protection as he could give to life and property imperiled by mob violence.

When Mr. Corbett the same day reached his home at Ko-fau he at once reported this fresh disturbance to the district magistrate, naming some of the ringleaders of the mob, and urging that immediate action be taken to arrest the guilty and restore order. Meanwhile it became plainly apparent to Mr. Corbett and his native friends that more mischief was brewing, the excitement and commotion in the neighborhood finally reaching such a degree as to lead the native Christians to urge Mr. Corbett to fly from the place. On the night of December 19, fully convinced of the danger of remaining where he was, Mr. Corbett, with his three children, fled to the district city of Chi-mi, distant twenty-five li, escorted by a small band of undaunted native Christians. On the 21st of December Mr. Corbett obtained an interview with the magistrate, who gravely said that the disturbance had now become too serious for him to manage, and he could not answer for his own safety, let alone the safety of foreigners. The magistrate repeatedly pressed Mr. Corbett to fly to Chefoo, and promised to restore order after his departure. Mr. Corbett wisely determined to continue his flight, and, accordingly, late in the night of the 21st December, he left with his children for Chefoo, and, traveling by a circuitous route, reached there in safety.

The news of Mr. Corbett's escape, when it became known the next morning, was the signal for a general uprising. Armed mobs assembled with impunity and in great numbers. They were exultant in having succeeded in disposing of the foreigner, with the apparent approval of the magistrate, and they proceeded first to wreak their vengeance on all that Mr. Corbett had left behind. They broke into and demolished the interior of his house, destroyed or carried off his furniture and personal effects, and took away his mule and cow. A pack-mule, loaded with some of Mr. Corbett's effects, was stopped on the road by a mob and forcibly taken away from the man in charge.

Then commenced a relentless persecution of the native Christians, and every day witnessed scenes of violence, pillage, and ruthless destruction of property. Fruit-trees were destroyed, farming implements and stock carried away, and houses stripped of their furniture. Two Christians were bound and carried off; another Christian was severely wounded by a weapon in the hands of a local constable, who was leading a mob into his house; and many Christians fled from their homes to places of concealment. The village of Tung-chia-au-tsz was wholly abandoned by its inhabitants, who, being all Christians, fled from the attack of a mob. Fortunately no lives were lost, for, after Mr. Corbett's escape, the rioters seemed to be more intent upon persecution and pillage than the shedding of blood. A mob of about 3,000 men assembled in the suburbs of the city and were becoming turbulent, when the magistrate hurried to the spot, and upon his hearing and promising to consider their charges against the "foreign devil," the mob gradually dispersed. A mob also collected in front of the inn where

Mr. Corbett stopped while in the city of Chi-mi. Threats and imprecations against foreigners, native converts, and the Christian religion were heard on every side, indicating a popular feeling of hostility.

Such was the course of events in the district of Chi-mi during the month of December. Subsequent investigations proved that the hostility of the people was aroused and their passions inflamed by the accusations so long and so falsely made against foreign missionaries in China. Any falsehood that can be invented to defame the foreigner and render him hateful finds ready believers among the ignorant mass of Chinese; and there were not wanting in Chi-mi designing persons to thus fan the flame of excitement, when once it was aroused. The old story of kidnapping children for mutilation was revived; but undoubtedly the hatred displayed against Christian preachers and converts was mainly due to the general belief in the truth of such vile and abominable charges as are made against the Christian religion in the native pamphlet known as the "Death-blow to corrupt doctrines." This pamphlet, it appears, was widely circulated throughout the district of Chi-mi some time ago by influential men among the literati, and many assert that its distribution was encouraged by the local officials themselves; it is certain at least that they did not attempt to check it.

In this affair the culpability of the district magistrate seemed unquestionable. From the 30th November, when the first disturbance occurred, he never attempted to make a single arrest, or administer the slightest punishment. This indifference was readily enough construed into sympathy with the rioters, and hence the latter were emboldened to continue their lawlessness. In the mean time Mr. Corbett had not neglected to report the disturbance to the consular authority at Chefoo. Mr. Cornabé, the United States consular agent, first wrote to the customs Taotai, at Chefoo, on the 22d of December, giving an account of the attack made upon Mr. Corbett at the Yuh-hwang temple on the 17th of December, and the disorder it had occasioned in the district, and earnestly requesting the taotai to urge the magistrate of Chi-mi to apprehend and punish the guilty. The Taotai replied briefly, expressing his disbelief in Mr. Corbett's account, and stating that he would have the Chi-mi magistrate investigate the matter and report. A few days later Mr. Corbett arrived in Chefoo, and Mr. Cornabé was then enabled to furnish the taotai with fuller particulars, and with the names of some of the principal rioters.

About this time the Taotai left Chefoo on a short visit to the provincial capital, and before leaving he sent a deputy official to Chi-mi to assist the magistrate in his investigation. During the taotai's absence Mr. Cornabé repeatedly wrote to him, giving further details of the disturbance, as they came to hand, and earnestly desiring him to send such instructions as would call forth honest exertions on the part of the magistrate.

At length, on the 7th of February, the taotai replied in a long dispatch. He had received the reports of the deputy and the magistrate, and they agreed in representing that no such disturbance as Mr. Corbett complained of had occurred at Chi-mi. The taotai, following the reports of his subordinates, positively denied that Mr. Corbett had been attacked, and made a rambling statement, accusing a native Christian of attempting to kidnap a child, thus causing a disturbance at the Yuh-hwang temple; and taking all this for granted, he considered that any disorder which might have existed was brought about by the indiscretion of Mr. Corbett and the native converts, hence he desired that Mr. Corbett should be admonished to avoid giving offense in future. But the taotai betrayed his real feelings by urging that judicial proceedings should be stayed, as the people of Chi-mi were now anxious to settle their differences and live in peace with Mr. Corbett. Mr. Cornabé replied to this dispatch, refuting its misrepresentations, and asking, once for all, that an impartial investigation should be made, and that the principal rioters, whose names he had given, should be arrested and punished. The taotai answered by simply saying that he would again send a deputy to Chi-mi.

It was evident that the taotai was bent upon shielding the fault of the magistrate, and avoiding his unpleasant duty of redressing the wrongs of a foreigner, as required by treaty.

On the 7th of March, when navigation re-opened at this port, I received from Mr. Cornabé a dispatch setting forth the occurrences related above, and informing me that notwithstanding his repeated efforts he had been unable to obtain the least satisfaction from the Taotai, or even the admission of any wrong in this matter, and he therefore requested instructions for his guidance. Impressed by the serious aspect this case had now assumed, involving, as it did, the integrity of important treaty stipulations, and fully believing that the future security of foreigners and native Christians in the interior of Shantung was now at stake, and would be seriously affected for better or worse by the manner of adjusting this difficulty, I determined to go myself to Chefoo, and endeavor to bring about a settlement with the Taotai. With your approval I therefore proceeded to Chefoo without delay, where I employed myself for a few days after my arrival in collecting testimony from native Christians and others who had come from Chi-mi; and this business having been completed, with the result of fully substantiating Mr. Corbett's statements, I called upon the Taotai on the 24th of March.

From the inclosed memorandum of our interview it will be seen that the Taotai was in no humor to discuss the business fairly. He first threw the blame entirely upon the native Christians, then upon Mr. Corbett, and finally insisted that proceedings should be stopped, as the people of Chi-mi were now anxious to be at peace with Mr. Corbett. He attributed the disturbance to an attempt made by a native Christian to kidnap a child. When I came to demand the arrest and trial of forty-two principal rioters, whose names had been given, the taotai emphatically refused to comply, and it was only after I had as firmly insisted upon his doing so, in observance of article 11 of our treaty, that he at length yielded his reluctant consent, but not, however, until I had been obliged to say that, failing in his arresting these men, I would consider the question of arresting them myself by virtue of the power given to United States authorities in the last clause of article 11 of the United States treaty. This was the first important step toward a satisfactory adjustment, and it was taken by the Taotai only after he had been obliged to abandon every one of the numerous false positions he had assumed in argument. After I had corrected his frequent misstatements as to occurrences at Chi-mi, I had still to convince him that it was his duty to afford redress under the treaty, and he would not be convinced of this until he had found and read for himself the various clauses I had referred to. Our discussion may be characterized as a stubborn attempt on the part of the taotai to make light of a serious matter and ignore his lawful responsibility, and an equally stubborn adherence on my part to rights which have been long established by treaty.

A month passed before I was informed by the taotai, through Mr. Cornabé, that the accused had been brought to Chefoo. I at once went to Chefoo, and upon my arrival there, on May 1, I addressed the Taotai, asking for a list of the names of those brought for trial. On receiving the taotai's reply I was surprised and disappointed to find that of the forty-two whose names I had handed to the taotai on the 24th of March, all of whom he had repeatedly promised to arrest, only ten had now been brought to Chefoo, besides four others who had not been accused.

This breach of good faith, after a month's delay, was part of a temporizing policy to which I was determined not to submit. I could not consent to go to trial with but ten of the accused, without failing to obtain adequate and lasting redress for the outrage committed, and my desire was to impress the people of Chi-mi with the fact that such lawless proceedings as had occurred in their district would not be passed over lightly.

Accordingly, on May 4, I called upon the taotai, accompanied by Mr. Cornabé and Commander Bridgeman, of the United States gunboat Palos, which vessel had been sent to Chefoo from Shanghai by Mr. Seward, who considerably anticipated my need of such support as the mere presence of a gunboat could afford in the settlement of this question.

The taotai was attended by the magistrate of Chi-mi and the magistrate of Fuh-shan, the district in which Chefoo is situated. The appearance and conduct of the Chi-mi magistrate confirmed the opinion previously formed of his character. He was an elderly man, infirm and irresolute, and apparently without spirit or ability. The Fuh-shan magistrate seemed intelligent and energetic.

A memorandum of the interview is inclosed herewith. I first reproached the Taotai with some warmth for his bad faith, whereupon he made several lame attempts to excuse his delinquency, but only succeeded in exposing, in a still worse light, the utter inefficiency of the Chi-mi magistrate, who had, as the Taotai unintentionally proved, quite disregarded his instructions. The earnestness with which I urged my views seemed to convince the Taotai of the propriety of doing his duty and fulfilling his promises; and so, after some further quibbling, he declared himself willing to complete the arrests and bring all the accused to Chefoo for trial. He deputed the Fuh-shan magistrate to carry out this business, and agreed to my proposal that two weeks should be allowed to fulfill the promise. During the discussion Commander Bridgeman remarked to the Taotai that he had orders from the American admiral to remain at Chefoo until this affair was settled, and he hoped soon to be able to report its satisfactory adjustment. This remark seemed to have considerable weight with the Taotai, and it undoubtedly curtailed useless discussion.

It was reported by Chinese who came from Chi-mi, from time to time, that the people there were determined to oppose the arrest of the rioters who had been accused; and hence it appears that the magistrate was intimidated and did not undertake to arrest them, but resorted to various pretexts to screen the guilty, a course fully in keeping with his behavior from the beginning of this difficulty.

Having obtained from the Taotai his promise in writing that twenty-one more of the rioters who had been accused should be arrested and brought to Chefoo for trial before the Taotai and myself, and a day having been agreed upon for the trial, I returned to Tien-tsin.

On the 20th of May, I once again proceeded to Chefoo. This, my third visit in connection with this case, occurred nearly six months after the first outbreak in Chi-mi, and three months had elapsed since my first interview with the Taotai regarding it. The Fuh-shan magistrate had arrived from Chi-mi a few days previously, having in

his custody most of the rioters he was sent to arrest. The whole number of rioters now under arrest in Chefoo amounting to twenty-eight, I decided to proceed with the trial. On May 22, I had an interview with the Taotai, when it was agreed that the trial should begin on the 25th and be held in the yamên, or court-house, near the custom-house in Chefoo, as the most commodious room available. Various preliminaries were discussed, and it was decided to put each of the accused on his trial separately.

The trial began on the 25th of May, and continued for six days, the court sitting from 2 o'clock to 6 p. m. daily. I inclose herewith a reliable report of the trial, published in the North China Herald of June 13.

The first day was wholly occupied in hearing Mr. Corbett's statement of his grievances, and when it was concluded, the Taotai expressed himself satisfied with the truth of what had been said. It only remained to identify the accused and establish their guilt, and the other five days of the trial were devoted to the examination of witnesses for that purpose. About fourteen witnesses, some of them Christians, were examined, and after the most rigid and searching cross-examination by the Taotai, who was especially severe when questioning the Christians, the accused were fully identified and proven guilty. On the third day of the trial (May 27) an unpleasant incident occurred. My official messenger and several witnesses for the prosecution had been insulted and struck by two soldiers of the Taotai's guards, and Mr. Cornabé's messenger had been refused admittance to the yamên. Upon taking my seat in court this day, I informed the Taotai of these indignities, and insisted upon the arrest and punishment of the offenders before proceeding further with the trial. The Taotai, after attempting to exculpate them, admitted the justice of my demand and sent for the two men, who were beaten in the presence of the court, whereupon the trial was resumed.

This behavior of the soldiers of the Taotai's own guard and within the precincts of his yamun was a fair indication of public feeling among the natives of Chefoo. From the time the first party of rioters were brought under arrest to Chefoo public attention had been attracted to this case, and sympathy with the rioters was expressed in various ways. During the sitting of the court large crowds assembled in the vicinity of the place, waiting with eagerness to hear the developments of the trial. No disturbance was created, but there appeared to be a deep feeling of resentment at such hitherto unheard of proceedings to vindicate the law in behalf of foreigners. This feeling was soon expressed by means of placards, in which the Taotai was vilified for partiality or submission to foreigners, and one of these placards was daringly placed on the gate of the Taotai's office. It was, perhaps, partly due to his apprehension of some anti-foreign demonstration by the people that the Taotai was attended during the trial by an armed guard of over 100 soldiers.

The trial closed on the 1st of June, and on June 3 the Taotai came to the consulate to arrange with me the terms of a final settlement. The United States gunboat Saco had arrived on the day previous, and her officers, in full uniform, were present at this interview. On being introduced to the Taotai, Commander McDougal remarked that "the American admiral had been much concerned on hearing of the difficulty in Chi-mi, and he was most desirous that it should be peaceably and satisfactorily adjusted." The Taotai replied that "the admiral need give himself no unnecessary anxiety, as a satisfactory conclusion would now probably be reached, and that he saw no reason why it could not be fully and satisfactorily adjusted between himself and the consul." For a full account of this interview, I beg to refer you to the inclosed memorandum.

After some discussion, the following terms of settlement were speedily decided upon, viz :

1. Four men convicted of having been prominently engaged in the two cases of stoning, to be beaten with the large bamboo; one of them eighty blows, two others sixty each, and one forty blows. The local constables (ti-pao) of Ko-fau and Hwa-yin to receive eighty blows each, and be dismissed from office.

2. Mr. Corbett's pecuniary losses, estimated at 380 taels, to be paid within fifteen days, by the persons who entered his house; they to be imprisoned in the mean time and the Taotai to guarantee payment.

3. The remainder of the criminals to be pardoned at my special request.

4. All of the prisoners to enter into a bond to keep the peace and guarantee Mr. Corbett's personal safety while he remains in Chi-mi. All accusations or suits arising out of this case, or connected with it in any way, to be suppressed.

5. The Taotai to issue a stringent proclamation, giving a full account of this case, and how it was settled, and threatening severe punishment upon any one who may dare to engage in similar outrages in the future.

6. When Mr. Corbett returns to Chi-mi, the Taotai is to furnish him with a special passport, and also with a letter to the Chi-mi magistrate.

On the following day, June 4, I proceeded to the Taotai's yamun, accompanied by Mr. Cornabé, Commander McDougal, and several other officers of the Saco. The Taotai was attended by the Fuh-shan magistrate.

The Taotai now submitted for my approval draughts of his proposed proclamation, and of the bonds to be signed by the prisoners. These proving to be quite satisfac-

tory, the prisoners were then called into court, and the Taotai proceeded to pass sentence upon those condemned to punishment. He addressed them at some length, pointing out the gravity of their offense and the severity of the punishment as prescribed by law. He told them that I had requested, and the prosecutor also had desired, that they might be dealt with leniently, and for this they should be thankful. After warning them to live in peace with foreigners and native Christians when they returned to their homes, he ordered them away to receive their punishment.

Those who were to sign the bonds were then called up and seriously admonished; and, lastly, all of the prisoners, save those condemned to punishment, were brought into court, and the Taotai addressed them in words of persuasion, caution, and warning. His remarks were so appropriate and reasonable, and were delivered with such spirit and emphasis, and the duties and responsibilities of the prisoners were so clearly pointed out to them, that all who were present in court seemed to be impressed by the seriousness of the occasion. Upon the conclusion of these remarks, the bonds were signed and the court adjourned. The prisoners condemned to punishment were then conducted to a neighboring yamên, where they were beaten, as sentenced, in the presence of Mr. Cornabé, the officers of the Saco, and the acting interpreter, Mr. Hartwell. Inclosed I beg to hand you a copy of the proclamation, with a translation of the same; also copies, with translations, of the two bonds, and a memorandum of the proceedings of June 4.

Thus, after months of delay and long-protracted contention, this case was finally brought to a successful conclusion. Preventive measures promptly taken might have suppressed the disturbance in its incipient state; and an honest desire to deal fairly and show justice to foreigners, when once the violence had been perpetrated, would have attained immediately the end which has but now been reached, and spared weeks of needless discussion and inconvenience.

The progress of enlightenment and friendly feeling in this country does not appear encouraging when the obligations of a treaty made in 1858 are at this late day so little known or so wholly ignored in a coast province of China as to give rise to such disturbances among the people and such sturdy opposition on the part of the officials.

In attributing blame for such outrages, there is less excuse for the officials than for the people they govern; for although officials may be prejudiced against foreigners, they cannot be wholly ignorant of the solemn national engagements made to secure the welfare of foreigners in China. Still less can officials at the open ports be ignorant of the manner in which justice has been rendered and treaty-rights vindicated on occasions of popular outbreaks of similar nature during the past few years. If proof be still needed, the settlement of this case abundantly shows that it is the *will* rather than the *power* that is wanting in Chinese officials, to extend protection to foreigners and obtain for them redress when it is required. It is questionable whether the Taotai at Chefoo would have yielded as he did, had he not received instructions to adjust this matter from the governor of Shantung, who had heard from the tsung-li yamên; and this action of the yamên was the good result of your repeated representations to them of the importance of this case. The peculiar feature in the adjustment of this difficulty is the success of my efforts to have the offenders brought from the interior of the province, where the law and the treaty were set at defiance, to a treaty-port, where the trial could be conducted free from the intimidation of a mob, and where treaty-rights are better understood and enforced. The presence of gunboats at the open ports, and the interest taken by naval authorities in such questions as this, is a sure, and sometimes the *only*, guarantee of a speedy and equitable settlement. Such co-operation of the naval with the consular officers serves at once to convince the Chinese of the national character of the question under discussion, as considered in the light of a treaty obligation; the private wrong is thus exhibited more prominently to the Chinese in its nature as a public question concerning the integrity of treaties. It was to such moral support afforded by the presence in port of the United States gunboats Palos and Saco, and the personal co-operation of Commanders Bridgeman and McDougal, that the favorable settlement of this case was largely due; and therefore I would here express my thanks to the admiral of the Asiatic squadron for permitting the vessels to come to Che Foo, and also to Mr. Consul-General Seward, for having kindly represented to the admiral the desirability of sending them. It is gratifying to find that, notwithstanding the apparent hostility of the people to the Christian religion, this wrong, suffered by an American citizen who was laboring as a missionary in the interior of China, has met with adequate redress in strict conformity with treaty-rights. And although the punishment prescribed by Chinese law for the various offenses committed is much more severe than the punishment actually administered, yet the ends of justice have been sufficiently served, and the clemency shown to most of the prisoners after their conviction will doubtless produce a good effect upon themselves and others; and it is to be hoped that the proclamation which has been issued will more effectually accomplish the object for which it was intended, now that its warnings are strengthened by examples which have been made of the guilty.

The real character of this disturbance has been anti-foreign and anti-christian, and

the settlement made has fully vindicated both objects of attack. Yet the Chinese are so credulous in all they hear of foreigners, and so much influenced by prejudice and superstition, that ill-feeling is soon roused to produce mischief; and when such instances occur wherever a foreigner may be in the interior, and the local official shows an unwillingness to act promptly in suppressing threatened disorder, the safest course would be for the foreigner to withdraw at once from the disturbed district and await the action of his own authorities.

Since returning to Tien-tsin, I have received a letter from Mr. Corbett, who went back to Chi-mi. He reports that the people are very friendly, and that he has met with no difficulty. This intelligence encourages the hope that the adjustment of this case will have a permanent effect for good, not only in the district of Chi-mi, but throughout the province at large, and that missionaries will reap the benefit of the time, labor, and anxiety devoted to attain the results which have now been reached.

In conclusion, I have to express my thanks to Mr. W. A. Cornabé, in charge of the consulate at Chefoo, for the active and efficient aid he has rendered throughout the case, and for the zeal he has shown in behalf of the interests committed to his charge; to Mr. J. B. Hartwell, who acted as my interpreter during the several interviews and the trial, and to whom I am under great obligation for his constant attendance and unwearied exertions; and to the several gentlemen who voluntarily acted as secretaries and assistants, and who rendered valuable service as such.

I am likewise under special obligation to Consul-General Seward for the encouragement and support he has given me in this difficult case.

I trust that my course of action and its results, as herein set forth, will meet with your approval, as well as that of the Government.

I have the honor to be, sir, your obedient servant,

ELI T. SHEPPARD,
United States Consul.

[Inclosure 1 in 8 in No. 44.]

Memorandum of an interview between Eli T. Sheppard, United States consul, and Kung, Taotai at Chefoo, March 24, 1874.

CONSUL. I have been specially directed by the American minister to come here and make inquiry into the cause of the attack upon the Rev. Mr. Corbett, and the subsequent disturbance, in the district of Chi-mi, in December last.

TAOTAL. What action do you propose to take?

CONSUL. I am informed by your correspondence with Mr. Cornabé that you have been examining into the affair. I will be happy to hear the result of your investigations.

TAOTAL. I think there is fault on both sides, and both parties are to blame. I find that a native Christian, named Wang Li-tung, on the 28th day of the tenth moon, at the Yü-huang temple, attempted to kidnap a child. He is a bad man. The Chinese child was wounded. I also hear that Mr. Corbett has a Chinese woman (wife?) at Chi-mi, and three children by her.

CONSUL. If Wang Li-tung has committed any crime, it is the duty of the local authorities to punish him for it. That is none of my business, and I have no right to inquire into or meddle with it. It is Mr. Corbett's affair that I am inquiring about. He had only been there a few months before he was driven away; so the story of the Chinese wife and three children is incorrect.

TAOTAL. I do not think Mr. Corbett is to blame in any way. The people at Chi-mi are now petitioning for him to come back and live among them.

CONSUL. Has anybody ever entered any complaint against Mr. Corbett for misconduct?

TAOTAL. No; none whatever. But the native Christians at Chi-mi refuse to kneel before the magistrates in court.

CONSUL. Native Christians should be obedient to their magistrates, and kneel before them just the same as if they were not Christians. But I cannot interfere in matters between the magistrates and Chinese subjects. I have been directed by the minister to take the testimony of truthful witnesses, and, if I find Mr. Corbett's statements to be correct, to ask for the arrest and punishment of the ringleaders of the mob, and for remuneration for Mr. Corbett's losses. I have here in my hand the sworn statements of ten credible witnesses, some of whom are Christians, some not, who fully verify Mr. Corbett's statements. Now, as you acknowledge that Mr. Corbett has done nothing wrong, I must ask you to have these men, whose names I here give you, arrested at once and placed upon trial for punishment in accordance with the provisions of the eleventh article of the treaty between China and the United States.

TAOTAL. Does Mr. Corbett propose to go back to Chi-mi?

CONSUL. That depends upon circumstances, I suppose. Mr. Corbett has a passport

bearing your excellency's seal, and so long as he does no harm, and continues to behave himself properly, it must be for him to decide when and where he will go. Do you propose to arrest these men, or not?

TAOTAI. Why should I? Mr. Corbett came away from Chi-mi of his own accord.

CONSUL. Is it possible that, after three months of investigation, your excellency is still ignorant that Mr. Corbett was obliged to fly to save his life from the violence of the mob?

TAOTAI. The people made a disturbance and Mr. Corbett became timid and left, but he was not compelled to leave.

CONSUL. Does not your excellency know that the magistrate of Chi-mi, to whom Mr. Corbett appealed for protection, urged him to leave because it was unsafe for him to remain longer in the city of Chi-mi?

TAOTAI. The magistrate told him he had better leave, because the people were saying that he (Mr. Corbett) was kidnapping children.

CONSUL. But your excellency has just said that there has never been any complaint against Mr. Corbett. Then why does the magistrate make this charge?

TAOTAI. I do not believe these things; but the people at Chi-mi say so.

CONSUL. Does not the magistrate of Chi-mi know that Tsêng Kuo-fan, in his memorial, after a full examination into the charges of kidnapping children by foreigners and native Christians at Tien-Tsin, declared that Christians never had been found engaged in kidnapping, and that it was contrary to the Christian religion to do so?

TAOTAI. Yes; I know that it is so.

CONSUL. Then it is your duty to instruct these people thus. If steps are not taken to suppress these idle rumors, this matter will go on from bad to worse, just as it did at Tien-tsin, where it resulted in a horrible massacre of a great many innocent people. I must repeat my request that you arrest these men for trial and punishment.

TAOTAI. If I should arrest all these men, and Mr. Corbett should afterward return to Chi-mi, there would certainly be more disturbances. The best way is for Mr. Corbett to drop it now. You see the people are friendly.

CONSUL. I see the people have torn down Mr. Corbett's house, stoned him, called him "devil," and robbed him, and now you say they charge him with kidnapping children. I don't think that looks *very* friendly.

TAOTAI. Will you make your request in the form of an official dispatch to me?

CONSUL. Certainly, if you are going to comply with the request, I will do so; but if you are not, there is no use of wasting the paper. Mr. Cornabé has frequently requested you to do so before.

TAOTAI. Mr. Cornabé has not asked the arrest of *all* these men. Will you arrest Wang Li-tung?

CONSUL. No. But if these men are arrested, I will bring Wang here. If he has done anything wrong, you can punish him.

TAOTAI. But these men have killed nobody. They have only had a fight; that is not a serious matter.

CONSUL. They have violated the treaty, and they have not been punished for it. Is that a thing of no consequence? These men must be arrested and put upon their trial for punishment.

TAOTAI. Wang must be arrested, too.

CONSUL. I will bring Wang here.

TAOTAI. Will you write your request?

CONSUL. Yes, when you promise me your compliance; not before. Mr. Cornabé's requests are in writing, and they have been wholly ignored. Do you intend to arrest the men?

TAOTAI. I want your dispatch first.

CONSUL. You have admitted that Mr. Corbett has done no wrong, and that a large crowd has made a disturbance and intimidated Mr. Corbett. I have here sufficient testimony to convict all these men of a serious crime. It is your duty by the treaty, upon my request, to arrest these men and punish them. If you cannot do so, or will not, I must go to the viceroy and the governor of this province.

TAOTAI. Their number is too great.

CONSUL. Then am I to understand that when a mob exceeds a score or so they are secure from arrest?

TAOTAI. I will promise to arrest the men named by Mr. Cornabé.

CONSUL. The fourteen additional named are equally guilty, and must be arrested.

TAOTAI. I will not do it. Let me see the proofs. I do not believe what you say.

CONSUL. Do I understand your excellency as impeaching my statement? Such an insinuation is disrespectful to the minister who sends me here, and to the Government whose commission I bear.

TAOTAI. You misunderstand me. I meant only that I do not believe the evidence which you have taken.

CONSUL. I wish to call your excellency's special attention to the provisions of the eleventh article of the treaty between China and the United States, which makes it

the duty of the local Chinese official, in case of a riot or disturbance in which United States citizens are molested, attacked, or put in jeopardy, to disperse the mob and arrest and punish the offenders. In this case full three months have elapsed, and not a single arrest has been made. I now understand your excellency refuses to arrest the guilty parties. I shall report this to Peking. It is my duty to inform you that it now becomes a question for the consideration of the United States Government whether or not its *own* officers will make these arrests, and what further measures shall be taken to obtain redress.

TAOTAI. There is no authority in the treaty allowing you to arrest Chinese subjects.

CONSUL. If your excellency will read the last clause of the eleventh article, you will find these words: "Arrests in order to trial may be made either by the Chinese or United States authorities." What would your excellency have me to understand by that?

TAOTAI. That applies only to the open ports.

CONSUL. Does it say so?

TAOTAI, (after much quibbling.) Very well, then; you send me an official request for the arrest of these men, and I will bring them here.

CONSUL. Will you arrest them and put them on trial?

TAOTAI. I will.

CONSUL. How soon can you have them here?

TAOTAI. I cannot tell that. I will use all expedition, and will order the magistrate of Chi-mi to arrest them and come here with them, and we will all be present at the trial together.

CONSUL. Very well. I will in the mean time go to Tien-tsin and make a report of this to the minister at Peking. I will send you my official request for the arrest of these men to-morrow.

TAOTAI. I will notify Mr. Cornabé when the men are here, and he can notify you.

CONSUL. I will send you a detailed list of Mr. Corbett's losses just as soon as possible.

TAOTAI. I should like to have it.

NOTE.—On Thursday, March 26, the Taotai, after receiving Mr. Sheppard's official dispatch of the 25th, returned Mr. Sheppard's visit, and during the interview the Taotai informed Mr. Sheppard that all possible expedition would be observed in arresting and bringing the men to Chefoo for trial. He also gave Mr. Sheppard a list of names of persons whom he proposed to bring forward for examination at the same time with reference to the matter.

[Inclosure 2 in 8 in No. 44.]

Memorandum of an interview between E. T. Sheppard, United States consul, and Kung Taotai at Chefoo, May 4, 1874.

CONSUL. At our interview (March 24) your excellency promised me that you would use all diligence and dispatch in arresting the principal offenders in the Chi-mi disturbance. Your excellency has also since then informed Mr. Cornabé that you had arrested the men, as you agreed to do, and you asked for me to come here and attend their trial. Now I have come and find that only ten of the forty-two have been brought.

TAOTAI. I have brought fourteen of the men.

CONSUL. Yes; but only ten of those whom I named.

TAOTAI. I did not say I had arrested all of them.

CONSUL. You said you had arrested the men, and you asked me to attend the trial according to our agreement, which was when all of the persons named were arrested. When I come I find only ten out of the whole forty-two here. The most culpable are not brought. This has occasioned me great inconvenience and annoyance, and I come to-day to inquire of you why you have not fulfilled your promise, and to tell your excellency that my minister, to whom I must report these facts, will be greatly displeased at your delinquency.

TAOTAI. I issued an order for the arrest of all these men, as you requested. But the magistrate of Chi-mi reports that many of the men are absent fishing, some are sick, and some are visiting relations.

CONSUL. The magistrate has reported to your excellency a lot of falsehoods. I have been advised as to the movements and occupation of all these men, and I know that ten days ago they were all at their homes, that they were not sick, and there is not a single fisherman among them.

(The magistrate of Chi-mi, who was present, was so completely nonplussed by this statement that he did not attempt to deny it or refute it in any way whatever.)

CHI-MI MAGISTRATE. I issued warrants for the arrest of all these men as soon as I received the Taotai's order.

CONSUL. What day did you issue your warrants, sir?

MAGISTRATE. The 25th day of the 2d moon.

CONSUL. How long does it take for an order to reach you at Chi-mi from Chefoo?

MAGISTRATE. About four days, ordinarily.

CONSUL, (to the Taotai.) When did you send your orders for the arrests?

TAOTAI. On the 7th day of the 2d month.

CONSUL. From the 7th until the 25th is eighteen days. Deducting four days for the order to reach Chi-mi, leaves just half a month in which nothing whatever was done by the Chi-mi magistrate. Does not your excellency perceive that this magistrate has been grossly negligent? (To magistrate.) What were you doing all these two weeks, that you did not issue your warrants for the arrest of these men sooner?

Magistrate made no answer.

CONSUL, (to the Taotai.) Now your excellency sees that there has been gross neglect of duty here. I shall have to report this to my superiors.

TAOTAI. Tell me what you want done, and I will do it.

CONSUL. I want you to keep your promise, and send and bring these men here, as you promised me you would do. If you are not able to do it, I must find somebody who can.

TAOTAI. I will send the Fuh-shan hsien to make the arrests.

CONSUL. Here is a list of twenty-one names; they are a part of the original list which I sent you. The first eight named are the most culpable, and must be produced before a trial can be entered into. The others must also be brought, and the ten who are now here must be kept until they arrive, and all can be tried together.

TAOTAI. I cannot fix a day certain when I will have them here.

CONSUL. Why not?

Captain BRIDGEMAN. It is essential that the Taotai fix a day certain when he will produce these men; otherwise we may be kept waiting indefinitely. I have been sent here by the admiral to remain here pending the settlement of this affair, and I hope soon to be able to report that it has been satisfactorily adjusted.

TAOTAI. If I fix a day certain to produce these men and fail, you will come back again as you do now.

CONSUL. I do not ask for or wish your excellency to perform an impossibility. I am certain these men can be all brought if any reasonable effort is made to get them. They can all be brought here easily in ten days or less.

TAOTAI. I will get them if they are there. But you must send along with the Fuh-shan magistrate the five Christian witnesses who are now here when he goes to Chi-mi to make the arrests.

CONSUL. Why must the five witnesses go?

TAOTAI. For two reasons: first, that they may point out the guilty men, and second, that they may see that the men are arrested.

CONSUL. That is quite unnecessary. I have given you the name and place of residence of each man, and my witnesses can identify them when they are brought here for trial.

TAOTAI. Yes, but it is also desirable to have the prosecutors of this suit present when these arrests are made, so the people of Chi-mi may see at whose instance it is done, and it will make them more careful and obedient in the future.

CONSUL. That is very true, and I quite agree with your excellency. I will therefore order Mr. Corbett, who is the prosecutor of this suit, to go with the Fuh-shan magistrate to Chi-mi, to be present when these arrests are made.

TAOTAI. O, no! There is no need of Mr. Corbett's going. We do not want him.

CONSUL. Yes, your excellency, it is exceedingly necessary and proper that Mr. Corbett, the prosecutor of this suit, be present when these arrests are made, so that the people at Chi-mi may see at whose instance it is done, and it will make them more careful and obedient in the future. I propose to send Mr. Corbett along with the Fuh-shan magistrate to Chi-mi.

TAOTAI. No, no! It is the native Christians I want, not Mr. Corbett. Send the native Christian witnesses. I am satisfied that some of the Chi-mi people are guilty.

CONSUL. No, I will not do it. You are trifling with me again. If you want the prosecutor of the suit to go, I will send him; or if you want a proper constabulary force to help the magistrate bring the men, I can give you that; but I don't want any more broken promises.

TAOTAI and FU-SHAN MAGISTRATE, together. If the men are in Chi-mi or in an adjoining district we will get them.

CONSUL. Very well, I will give you fourteen days in which to redeem your promise. At the expiration of that time, I will return to Chefoo again to attend their trial.

NOTE.—The last proposition of Mr. Sheppard was agreed to, and the interview closed.

[Inclosure 3 in 8 in No. 44.]

Memorandum of the final proceedings, June 4, 1874.

CHEFOO, June 4, 1874—10 o'clock a. m.

On the consul's arriving at the court-room he was invited by the Taotai to the hall above the court-room, where was held a brief interview, during which the Taotai presented for the consul's approval the draught of the proclamation he proposes to issue; and also of the bonds he proposed to require the "house robber" and the "donkey robbers" to sign, as well as the one he intended to have signed by all the accused, binding them to keep the peace and to use their influence to preserve order in the villages in their respective neighborhoods. His excellency also promised to furnish Mr. Corbett, whenever he might wish it, with a new special passport to return with his family to Chi-mi, and also with a letter to the magistrate of Chi-mi.

Present in court, besides his excellency the Taotai and the Fu-shan magistrate, were Mr. Consul Sheppard, Mr. Cornabé, Captain McDougal, and Officers Wood, Breese, and Dr. Ayers, of the United States steamer Saco; Dr. Nevins and Mr. Farmer, secretaries, and Mr. Hartwell, interpreter.

The Taotai called before him the prisoners who had been condemned to punishment for participating in the several stonings and robberies, in their several groups, and announced to them that they had been found guilty of the charges made against them severally. He told them they deserved to be punished with great severity; that particularly those of them who were advanced in years should have restrained the younger men, instead of leading them on; and that most especially the local constables, whose duty it was to suppress such risings, were guilty of serious crime in joining in stoning and in entering the house of any person, and especially of a foreigner. Such conduct could not be tolerated, and they must be punished according to law. He said their sentence ought to be even heavier than the law ordinarily prescribes, but that Mr. Corbett, the prosecutor, through the consul, had begged, and the consul himself had asked, that they might be dealt with in mercy; and that they might congratulate themselves on getting off with no more severe punishment. He advised them, when they should go back home, to live quietly, and to be at peace with any foreigners who might be there, and with the native Christians. He then ordered them to be taken away for punishment. He then called the parties against whom evidence had been adduced that they had taken part in the robbing on the road and at Mr. Corbett's house, but who, through clemency, were not to be beaten. After lecturing them very much as he did the former groups, and assuring them that he had been in consultation with the consul for days concerning them, and that it was only through mercy, at the intercession of Mr. Corbett and the sincere wish of the consul, that they were not to be beaten, required them each to sign a document binding themselves to pay for the missing articles within fifteen days. They were told they would be locked up until the money was paid.

The whole number of the accused were now brought into court, (except the condemned,) and the Taotai addressed them at some length upon the serious nature of the offense with which they had been charged, and assured them that if the witnesses had delivered their testimony, every man of them would have had to be punished, but that Mr. Corbett and the consul, not seeking for revenge, had declined to press the matter in every case, and had urged him to exercise mercy and pardon them. He repeated to them that the consul and he had been consulting over the matter for days, both the consul and the prosecutor inclining to mercy. He asked, "How could you know what would be the effect of your stoning? Some of those stones might have seriously wounded Mr. Corbett, or even killed him, in which case several of you might have forfeited your lives." He ordered them to be peaceable and friendly with Mr. Corbett when he goes back, and with the native Christians.

They were to have no fights nor quarrels with the Christians. These Christians were still Chinese subjects; and if they did anything wrong, the people were not to take the law into their own hands, but to make their complaints to the local magistrate, and if he did not deal with the matter, they might come to the Taotai and complain, and he would see that the matter was properly investigated. And just so with any foreigner. Mr. Corbett would not do any harm; but if any foreigner should do what was wrong, they were not to attempt to redress it themselves, but to complain to him, and that he and the foreign consul would have the delinquent foreigner dealt with. That neither the foreign consul nor himself would allow a foreigner or a native to conduct himself lawlessly in the country. He made them all promise that they would drop this matter and not make any more trouble about it; that they would go home and live at peace with the foreigner and with the native Christians. They all knocked their heads in acknowledgment of this clemency; and he required each one to sign a pledge that he would not only keep the peace himself, but would urge this course upon all the villages in his neighborhood.

The Taotai then reminded them that if, after signing this bond, they should violate it, they would be dealt with more severely than if they had not signed it, and dismissed them.

The court then adjourned, and the Fuh-shan magistrate proceeded at once to his temporary office in Yentia to have the sentences of the court executed. Mr. Cornabé and the interpreter, Mr. Hartwell, were deputed by the consul to go, in company with Captain McDougal and Officers Wood, Breese, and Dr. Ayers, of the United States steamer Saco, to see the punishment inflicted.

Arrived at the Yamén, the magistrate had each culprit brought before him, and after a few words to each, ordered him to be beaten according to the sentence of the court. The blows were administered with a stick of bamboo, four feet or more in length and about two inches wide, held by the lictor in both hands. As it is the summer season, eight blows were counted ten, according to Chinese custom.

Kiang Kwan-kih professed to be sick, and begged that his son might take his place. The son being willing, the magistrate consented, and the son received nominally 80 blows, really 64; Wang I-chin received nominally 80 blows, really 64; Wang Shi-Kiai received nominally 80 blows, really 64; Wang Pao received nominally 60 blows, really 48; Kiang Hwo-sien received nominally 60 blows, really 48; Kiang Shau-sien received nominally 40 blows, really 32.

After which the deputation from the consulate retired.

[Inclosure 9 in No. 44.—Translation.]

The Taotai's proclamation, dated June 22, 1874.

Kung, by imperial appointment a brevet provincial treasurer, superintendent of maritime customs at Chefoo, and intendant of the circuit of Têng-chou Fu, Laichou-Fu, and Ching-chau-Fu, issues a stringent proclamation enjoining upon all an observance of the treaties, to the end that natives and foreigners may enjoy peace and security.

Among the treaties with various countries made public by the prince and ministers of the tsung-li yamén, there is found a treaty with the United States, the twenty-ninth article of which is as follows:

"The principles of the Christian religion, as professed by the Protestant and Roman Catholic Churches, are recognized as teaching men to do good, and to do to others as they would have others do to them. Hereafter those who quietly profess and teach these doctrines shall not be harassed or persecuted on account of their faith. Any person, whether a citizen of the United States or a Chinese convert, who, according to these tenets, shall peaceably teach and practice the principles of Christianity, shall in no case be interfered with or molested."

Repeated commands have been issued for the observance of this article.

In the month of December, 1873, some natives of the district of Chi-mi stoned the Rev. H. Corbett, an American missionary, insulted him by calling him kwei-tzé, (devil,) and took away from him clothing and other articles. This, though at first only a small disturbance, well nigh grew into a serious affair. The case has now been taken up and justly adjudicated by myself and Mr. Sheppard, the United States consul.

With the exception of the leaders in the disturbance, who are punished, according to law, with the heavy bamboo, with degrees of severity corresponding to their offenses, the offenders are pardoned and released. All these people, in their disobedience and reckless conduct, have been guilty of breaking the laws. As this is the first offense, their punishment is inflicted with leniency, hoping to preserve peaceful relations between natives and foreigners. All persons of whatever class should give diligence to observe the treaty, that mutual friendship may be perpetuated. I have, in connection with Mr. Sheppard, the United States consul, agreed upon certain stipulations which are to be published in this proclamation; and fearing lest persons in other places may be ignorant of the treaty and recklessly make disturbance, I print this proclamation in order that it may be generally known. Hereafter all persons must observe my instructions, and thus avoid the recurrence of such misdemeanors, by which you will bring punishment upon yourselves. This is my earnest expectation.

The following are the stipulations:

1. In future, all who preach and practice the Christian religion shall receive from local magistrates the same care and protection as others, and no one will be allowed to insult and injure them. All who, according to the principles of the Christian religion, peaceably propagate or practice it, shall not therefor be molested or injured by the people.

2. Hereafter when natives see a foreigner they must address him as such, and are forbidden to call him kwei-tzé, (devil.) Those who disobey this injunction will be immediately dealt with by the local magistrate.

3. The Chi-mi suit, originating in Hwa-yin market, Yuh-hwang temple, Ko-Fau village, and other places, has now been justly settled. Hereafter you people of every place

should take warning from it. If you are guilty of such proceedings again, you will incur heavy punishment.

4. This case has been justly decided and administered according to truth, and without partiality. The accused, including those who have been pardoned, have signed a bond promising to return home and peacefully pursue their several callings, without making further disturbance in seeking opportunities for revenge and retaliation against witnesses and others connected with this suit. If there are other matters or lawsuits, they must be considered by themselves, and no use shall be made of this to obstruct other suits.

5. Native Christians are Chinese subjects, and are to be governed by Chinese laws. If lawsuits arise, they are to be attended to in the Chinese courts, and foreigners have nothing to do with them. And, according to treaty, foreign missionaries are not to act for, or to shield and protect, natives. I have heard that native Christians have been guilty of going before the magistrate without kneeling, and refusing to pay taxes, and undertaking the prosecution of illegal lawsuits, and other lawless practices. I have also heard that people have endeavored to exact from native Christians contributions to the ceremony of "welcoming gods," and to idolatrous processions, repairing temples, and theatrical plays, which exactions are expressly forbidden by imperial edict. It is now agreed upon, in connection with the foreign consul, that hereafter, if native Christians or other subjects are guilty of the aforesaid misdemeanors, complaints may be brought against them before the local magistrate. If foreign missionaries act for them and protect them, the people may come to Chefoo and accuse them by name before me and the foreign consul, and the case will be impartially attended to. You must not take the matters into your own hands and stone people, and thus bring punishment upon yourselves.

[Inclosure 10 in No 44.—Translation.]

Two bonds, dated June 4, 1874.

BOND TO KEEP THE PEACE.

A voluntary bond of releasement entered into by Kiang Kwan-kih and others.

This bond, by which releasement is obtained, is in consequence of the prosecution of the undersigned by a foreigner, Rev. H. Corbett. Having had the case closely examined, it appears that Kiang Kwan-kih struck Mr. Corbett with a stone; that a stone thrown by Kiang Hwo-sien struck his horse, and that Kiang Shau-sien took part in the affray. These persons are sentenced to receive punishment according to the seriousness of the offense committed by each. All the accused are now ordered to return home and peacefully attend to their several callings, and to abstain from making disturbances in the future. Hereafter, if Mr. Corbett goes again to Chi-mi to preach and propagate Christianity, the inhabitants of the village are not to interfere with him in any way. You must not oppose and injure Christians, and must not oppress your native countrymen. And now you voluntarily promise to abide by this document, and not disobey.

[Signed by twenty-seven persons.]

BOND TO SECURE INDEMNITY.

A promissory bond given to secure the payment of indemnification within a limited time.

This is a promissory bond, given in consequence of a suit brought against the undersigned by a foreigner, Rev. H. Corbett. This suit having been carefully examined, it appears that articles were lost from Mr. Corbett's house, and the undersigned engage either to find and return the missing articles within fifteen days or to pay an equivalent in money. We voluntarily promise to abide by this agreement.

[Signed by five persons.]

[Inclosure 11 in No. 44.]

Prince Kung to Mr. Williams.

TUNGCHI, 13th year, 5th moon, 17th day, (June 30, 1874.)

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication.

In relation to the quarrel which occurred at Chi-mi, in Shantung, between the people

and the Christians, I have already informed your excellency that frequent orders were sent to the governor of that province to direct the proper officers to inquire into the affair with a view to its just settlement.

A dispatch has now been received from the northern superintendent of trade, inclosing the report of the intendant of circuit at Chefoo, wherein he states that, in the case of this riot between the people and Christians in Chi-mi, the parties have all been summoned before him and all the witnesses examined. In conjunction with the United States consul, the affair has been publicly investigated in the fullest manner and decided, the guilty punished, and the case finished. "I therefore respectfully make known the details," he concludes, "that you may report for information in the proper quarter that the case is settled."

I have accordingly had a copy made of the superintendent's dispatch upon the case, and beg to inclose it herewith for your excellency's information.

His Excellency S. WELLS WILLIAMS,
United States Chargé d'Affaires.

Report of the northern superintendent of trade, (Li Hungchang,) inclosing the following detailed report from Kung Yih-tu, intendant of the circuit of Y'angchau, Laichau, and Tsingchau, prefectures in Shantung, dated June 16, 1874.

On the 23d of March the governor of Shantung sent me a copy of an order he had received from the foreign office, dated March 1, in which the inquiry was made as to the cause of the quarrel between the people of Chi-mi and an American missionary there, and directing me to see that the district magistrate there examined into the affair and equitably settled it. I at once sent him the order to inquire into the cause of the disturbance, and let me know everything that he did, and at the same time reported a summary of the affair and what I had done to the governor, for him to communicate to the foreign office.

On the 20th of May I received from the governor a copy of another order from the foreign office, dated April 23, in which I was urged to more diligence, and directed to bring the parties to the trial all together, and jointly examine them in the most careful manner, so as to elicit the facts and settle the affair in accordance with justice.

I had already directed Meh, the district magistrate at Chi-mi, to transfer Kiang Kwan-kih and others, parties and witnesses in this case, to my court, where, with the foreign missionary, Hunter Corbett, and the native Christians, Wang Li-tung and others, they could all be examined, and a joint trial held with the consul.

Among the documents in the case was one dated December 22, received from W. A. Cornabé, United States vice-consul, in which he told me that Mr. Corbett had been assaulted at a market-place called Hwa-yin, by a crowd around a theater, and struck by stones thrown in the *mêlée*. Further, that on the 19th of December he was preaching near the temple of Yuh-hwang, at Hwa-yin, when he was struck by stones thrown at him from the crowd, and his assistants, Wang Li-tung and others, also wounded in the fray.

The vice-consul further said he had heard that the inhabitants of Chi-mi had assembled to the number of 300, each of whom had ten others at his back, and all intended to go into the town for the purpose of injuring Mr. Corbett. The magistrate was powerless to protect him, and he had, therefore, fled on the 22d, and reached Chefoo. A letter had afterward been received from his assistant, stating that on that day about two thousand men from the southern association of villages entered the town seeking a quarrel. The magistrate had gone out to disperse them, but was powerless to effect anything.

In another note he alleged that on the 24th a man named Sü Yen-tsoh and half a score of fellows with him, all belonging to Chi-mi, had carried off Mr. Corbett's things and a hired donkey; and in the afternoon of that day they had gone to Ko-fau and carried off all his furniture and effects, with his cow, cleaning everything out and breaking the windows and doors of his house to pieces.

Subsequently he informed me that a convert named Che Chung-yuen, belonging to the village of Pau-hein, had had his fruit and timber trees, all cut down by people of the place. On the same day, Wang Yung-chun, a convert living in Ta-lao Village, had been attacked by persons entering his house, who robbed it and greivously wounded his left eye; also, one Sun Wan-lun, of the village of Tung-kia-ngan, was robbed and ill-used by some persons, and his uncle carried off by force. The vice-consul accordingly requested that these proceedings might be inquired into and the evil-doers punished. I immediately sent repeated orders to the district magistrate at Chi-mi to strictly inquire into the matter and punish the offenders. This can all be shown by the records.

While I was issuing these orders and making these inquiries, Mr. Sheppard, the United States consul, came from Tein-tsin down to Chefoo. At an interview I had with him,

he told me that he had received directions from the American minister at Peking to go down and inquire into this affair, and have all the witnesses and others connected with the case brought to Chefoo, that we might there jointly try and settle it.

I accordingly ordered the magistrate of Chi-mi to remove the case to Chefoo. Mr. Sheppard agreed that he would cite the plaintiff, Corbett, and five converts to be present, when we could thoroughly examine the case. He also gave me the names of the leaders in the riotous proceedings at Chi-mi, forty-two persons in all, and a full list of the clothes and other things lost by Mr. Corbett, valued, all together, at 380 taels.

Having received these lists, I sent two messengers to Chi-mi; and on the 16th of May the prisoners and all persons connected with the case were in Chefoo. I notified Consul Sheppard of these things, and requested him to appear with the plaintiff and the witnesses on his side. On the 25th the United States consul and Sung Tsoh-pin, district magistrate of Fuh-shan, being present, I opened the court and began the trial.

Seeing from the first that this case was likely to be a troublesome one, having many points mixed in it, while those pertaining to the foreigners ought alone properly to be the subject of this joint trial and sentence; but the accusations by the converts, who were Chinese, and therefore a portion of our own people, belonged only and of right to the local rulers, whose duty it was to settle all such quarrels, and foreigners had nothing whatever to do with them. I stated these points to Mr. Sheppard, who cordially assented. There were several cases brought forward by the vice-consul, viz, that of the assault and wounding of Wang Lih-tung; of cutting down the trees belonging to Ché Chung-yuen; of the injury done to Wang Yang-chun; and, lastly, of robbing Sun Wán-lun; all of which were wrongs arising between natives of China, with which foreigners had no concern, and were accordingly referred to the local authorities for trial and punishment.

There would then remain for our joint investigation only the attack on Mr. Corbett and subsequent loss of his things, and to ascertain whether there was a combination among the people of Chi-mi to molest and injure him. We continued the trial for successive days, bringing forward the prisoners one after the other, and taking evidence carefully upon each charge.

It was proved that no organized combination existed among the people for purposes of plunder and sedition; and I therefore asked the vice-consul what evidence he had for the assertion made in one of his letters, that two thousand people had entered Chi-mi in a tumultuous manner and that the magistrate was unable to disperse them. In the inquiries made as to the origin of such a false rumor, Mr. Corbett testified that after the attack made upon him, near the temple of Yuh-hwang, some of the converts told him that during the next night the people of the farmsteads in and around Kofau had lighted no end of their lanterns, and roamed over the country, from which they feared there was a consultation going on. But this was not satisfactory proof of the charge.

As to the charge that the district magistrate was unable to protect him, it appeared from the testimony of the convert Lin Lung-méi, at the time of the military examinations at the place, on the 22d of December, that many candidates were gathered on the parade-ground, and when the magistrate went out of the gates to inspect them he saw several scores of people kneeling by the roadside, whom he (the convert) was told were there for the purpose of complaining against the foreigner. From this idle rumor came the story that two thousand men had entered the town, whom the local magistrate could not control or disperse, and the other charge that there was a seditious combination of the people with intent to murder, against which the officials could not protect him. Inquiry proved them both to be unfounded.

I then asked the vice-consul about his statements, and he acknowledged that they arose from incorrect information; and, therefore, in respect to the two counts of plotting violence, and inability of obtaining official protection [for Mr. Corbett,] it was needless to inquire further.

In relation to the charge of twice stoning Mr. Corbett, the testimony of Wang I-chin and Kiang Kwan-kih was as follows: They were at a theatrical performance at Hwa-yin on the 1st of December, as Mr. Corbett rode by on a horse, and some persons picked up stones and sent them flying so that he was hit. How could any one tell who it was, among such a crowd, that picked up the stones? Also, on the 19th of the month, a great crowd was collected at the Yuh-hwang temple to get up a procession for the gods, and Mr. C. began to preach near by: some persons in the multitude threw stones to hit him, but nobody could well know who it was.

Mr. Corbett, on being called on for his evidence upon this matter, was unable to point out the very persons; nor could those whom he brought as witnesses to identify the guilty ones, and particularize which ones threw the stones, and which hit him, as if they had seen it all with their own eyes, tell me, when I questioned them myself as to their proof, which were the very men, or bring any trustworthy evidence.

On further carefully sifting their evidence on this point, they averred that the first man who picked up a stone at Hwa-yin was Wang Pao; and in reference to the charge

of throwing stones at the Yuh-hwang temple, they said that there were many people named Kiang in that village, and this man, Kiang Kwan-kih, was head man of it, was present at the time of the fracas, and could not restrain the people. Two others named Kiang Shau-sien and Kiang Hwo-sien, were there, too, and cognizant of the facts. These were all the facts which could be proved concerning the two occasions when stones were thrown.

In relation to the charge of Mr. Corbett twice losing things, the convert, Lin Lung-méi, testified as follows: When Mr. C. returned to Chefoo he left the care of all his effects in my hands and I hired a donkey of one Wang Lih-sien to carry them to Ko fau. This last named says that the villagers, Sü Yen-tsoh and Tu Kwang-tsüen, carried the whole away with them, by force. On cross-questioning these two men they declared that Wang Lih-sien owed Tu Kwang-tsüen, who, seeing him that day going off leading a donkey tried to distrain it and the load as a security for his claim. He could not tell how the things came to be lost, but he never had any idea of stealing them. However, after the trouble taken in this examination, he was quite willing to make good the loss of the things taken at their fair price.

Two men, Wang Lih-sien and Wang Lih-hai, further gave evidence that in the afternoon of that day the village constable, Wang Shi-kiai, and some thirty others went to Mr. Corbett's hired house, at Ko-fau, broke into it and carried off all the clothes and furniture and destroyed the doors and windows. I then asked this constable about it, who said that he and Li Fah, Sun Shi-tang, and three others went to Ko-fau; and hearing that Mr. C. had returned to Chefoo they started off to see his chapel. They urged one Wang Lih-hao to open the doors for them to go in and then went out after looking about them; but half a score of other fellows whom he did not know rushed in at the same time. He did not know at all what things were lost, but had no intention of robbing anything, and was willing to compensate for the articles lost.

Such being the facts, I judged that as Tu Kwang-tsüen led away the donkey under the idea of distraining it for debt, and Wang Shi-kiai and the crowd went into the house without any intention of robbing, and both were willing to pay the value of the things lost, it was needless for us to examine them any further. The consul also agreed that this was sufficient. These are the circumstances connected with the double robbery of Mr. Corbett.

The eleventh article of the American treaty provides that subjects of China, guilty of any criminal act toward citizens of the United States, shall be punished by the authorities of China according to the laws of China; and I find that our statutes lay down eighty blows of the bamboo as the heaviest punishment for doing wrong without previous intention.

In this case Wang I-chin and Wang Shi-kiai both hold the post of village constables. When the row began they could not restrain the crowd, and made no report of their violence; the last-named also led people into the house, whereby many small things were lost.

The man Kiang Kwan-kih is a village elder; he was unable to restrain his sons and nephews; and having been at the theater himself, he is responsible for what happened there. All of these are amenable to the above law, and each of them is sentenced to receive eighty blows.

Wang Pao, who threw the first stone, and Kiang Shau-sien, who was at both the frays, are each sentenced to sixty blows. Kiang Hwo-sien, who participated in one of them only, is sentenced to forty blows. Tu Kwan-tsüen, and the others who carried off the donkey, pretending that it was for a debt, with Wang Shi-kiai, and those who entered the house, whereby many things were lost, have all agreed to repay their cost. The latter must, after he has done so, be dismissed from his post as constable; and the two with him may receive their pardon. Seventeen others, who were not proved to have joined in the riot, were liberated there in open court; while those sentenced to be beaten were punished in accordance therewith, and then sent home. Tu Kwang-tsüen, and those ordered to pay the 380 taels for the things lost, as the list handed in by the consul stated, were detained until the money was paid to Mr. Corbett.

I have also issued a proclamation, stating distinctly, that whenever Mr. Corbett goes to Chimi district to teach religion, and quietly attends to his proper vocation, he will be protected according to the treaty. He is not to be molested in any way. So there is hope that now all parties will live in peace.

I now send all the papers connected with the case, the details of the examination and the circumstances of the closing, arranged in order for your inspection, and have the honor to request that this affair may be reported to the foreign office as having been satisfactorily settled.

On receiving the above, I (the superintendent of the northern ports) having separated the papers in this case, now send up the clear report which I have made, and have the honor to request that the conduct and finishing of this case may be looked into.

[Inclosure 12 in No. 44.]

Mr. Corbett and others to Mr. Sheppard.

CHEFOO, June 4, 1874.

The undersigned, citizens of the United States of America, residing at Chefoo and Tungechow, desire to express their thanks to Eli T. Sheppard, esq., United States consul for Tien-tsin and Chefoo, for the energy and efficiency which he has displayed in prosecuting the case relating to the recent disturbance at Chimi.

The difficulties inherent in the case, together with the obstacles thrown in the way by the Chinese officials, and their determined and persistent opposition to take any proper action to elicit the truth, made the affair an especially difficult one. Fortunately Mr. Sheppard knew his rights, and firmly insisted upon having them acknowledged.

His determination to uphold and vindicate the honor of his country, and the satisfactory settlement which he has received, give us a high appreciation of him as a man and a worthy representative of our Government in China.

HUNTER CORBETT.
CHARLES R. MILLS.
C. W. MATEER.
J. L. NEVINS.
J. B. HARTWELL.
S. P. CRAWFORD
L. W. ECKARD.

No. 146.

Mr. Williams to Mr. Fish.

No. 46.]

LEGATION OF THE UNITED STATES,
Peking, July 20, 1874. (Received September 12.)

SIR: I have the honor to send for your information a series of papers relating to the Woosung bar, near Shanghai, and the effort which has been made by all the legations to induce the Chinese authorities to dredge it so as to allow the mail steamers and other large ships to pass at high tide.

In addition to what is contained in these inclosures, other examinations have been made by competent observers; but it does not seem to be worth while to introduce their reports, seeing that you have here the estimates of the expense of clearing the passage, the reasons for doing it now, the detail of the needless outlay for transshipments caused by not doing it, and an opinion of the partial results likely to be effected by carrying it out in the way proposed.

In the printed paper (inclosure 1) the most valuable report is that of Mr. Hjousbery, on page 5, wherein the nature of the bar, and the variations it undergoes at different seasons of the year, are described.

The annoyance and irritation which this obstruction to the ready navigation of the river continually causes in the mercantile community of Shanghai may be somewhat inferred from the two lists, at the end, of vessels detained by it, thereby disarranging the plans of all who are connected with their business.

In bringing the matter before the Chinese government, it was deemed best to present a nearly identical note, detailing the salient features of the grievances now endured by the existence of the bar, and urging immediate action, (inclosure 2.) A full representation of the nature of the work to be done was previously made to the members of the foreign office, who also inspected the chart referred to in the printed inclosure, prepared under the direction of Rear-Admiral Jenkins.

* * * * *

The prince's answer, (inclosure 3,) deferring a definite decision until another survey could be made, was the merest excuse for procrastinating a determination not to do it at present, at least, whatever he might ultimately decide.

The survey spoken of as having been made in 1870 was nearly useless for any practical purpose; but as the recent examination was not particularly mentioned in the first letter, a second note was returned by each legation, (inclosure 4,) informing him of it, and that its careful accuracy quite superseded the necessity of another. His answer (inclosure 5) well exhibits the difficulty of leading these officials to adopt a measure which, at a small cost, would be acceptable to foreigners, and measurably beneficial to themselves at the same time. The report from the southern superintendent of trade is a curious piece of reasoning, looked upon as an endeavor to avoid the direct issue, and throw the undesirableness of clearing the bar upon national safety and endangering the facilities nature had there provided for defending the passage of the river against a hostile force. It is also quite characteristic of the Chinese in its assumption of facts, such as that the bar prevents the ocean silt from going farther up the river, and its existence one hundred and twenty years ago; but it is not usual for them to bring so many facts and arguments to fortify a conclusion which the writers think cannot be controverted, viz, a regard for national defense. The paper no doubt carries much weight in the minds of native readers.

Since it was received, a previous report made by the intendant of Shanghai has been published, in which he tries to prove to the superintendent of trade that the bar cannot be deepened, in the following terms:

"Having hired a boat, we examined the place on all sides, and find that a sand-bank runs across the river in an oblique direction about four or five li, but the river here being very wide, we had no means of measuring the distances; and the sand-bank being under water, we could only guess at its extent. The country-people and boatmen being examined, all stated that the character of this sand-bank has long been exceedingly changeable, at one time collecting, at another disappearing, now on the east, now on the west, sometimes high, sometimes low, sometimes large, sometimes small, so that it has got the name of spirit-sand. But, fortunately, wherever the bank grows up, there is sure to be by the side of it an opening sufficient to allow large vessels to go through; if one does not know this opening, and by mistake gets upon the sand with a falling tide, he may easily find himself in difficulty. This is the true state of affairs as regards the bar. Further, the waves are so large and the body of water so great that not only would any efforts by Chinese be unavailing, but even if foreign machines were used for dredging, the sand would fill up again as fast as it was removed. It would be, as Mr. Hart says, merely throwing money in the dirt."

Prince Kung's reply is evidently framed with reference to the last sentence in the superintendent's report, which is, "It is not easy to provide the means;" and this was no doubt influenced by the conviction in his mind that, if forced to dredge the bar, the money to do it must come out of the provincial revenue and not from the customs duties.

The inaccuracy of some of the statements, and fallacy of others, in this reply, induced the preparation of an answer, (inclosure 6,) which was sent more to place on record a denial of the assertions and deductions of the superintendent than with any hope of changing the decision of the government. This answer was not made by all the legations, nor in the same terms, for some deemed it to be quite useless to argue any further, as there was no probability of inducing it to consider the proposal on its own merits or the facility it promised to the trade of the port.

In all this discussion, of which only the outlines are here given, the united voice of the mercantile community at Shanghai and of the for-

eign representatives at the capital, backed by the remonstrances of the British and French governments, at the apathy of the imperial authorities to the inconveniences suffered in consequence of this bar, has all been treated with complete indifference. The report of two or three low officials, sent by the intendant at Shanghai to investigate a matter of which they had no practical knowledge, has more weight than the opinion of experts as to its expediency and cheapness; and the supreme authorities shelter themselves for their disregard of this opinion by a fallacious excuse that they are bound first to consult their own security.

* * * * *

The question was one day discussed in the legations as to the alternative of stopping the tonnage dues on ships detained by the bar from reaching their dock in time; but nothing was said to the yamên in this direction. It was generally felt that as the tonnage-dues were all now usefully employed in maintaining the present light-house system along the coast, or in constructing new lights, it was very undesirable to do anything to jeopard that revenue and outlay without express instructions.

If the money for dredging could have been taken from the tonnage-dues, the superintendent of trade would probably have favored the scheme, whose cost must otherwise come out of the *likin* taxes levied in his jurisdiction for local purposes; for it is a well-known principle that each provincial government is expected to defray all its own expenses. He was known to be opposed to the enterprise, and his arguments as to its risk to the safety of the port, its inutility and damage to the native shipping and adjacent fields, the impossibility of doing it effectually, were all, one can hardly doubt, brought forward to fortify his previous decision against it.

This is a good instance of the power of the high provincial authorities, when they are disposed, to prevent the central government from carrying out a useful design; but the latter is careful not to commit itself to a course until the views and ability of its subordinates have been ascertained. Nor is this unsuitable, seeing that the governor is not only expected to decide on the wisdom of a measure, but is obliged to find the funds, and is held responsible for the success of the undertaking. Our ideas of the functions and power of a central government cannot properly be applied to the relations existing between the Emperor of China and his proconsular governors.

This is illustrated by the fact that, while Governor-General Ho, at Nanking, finds so many good reasons for not deepening the Woosung bar, his colleague, Governor-General Li, at Tien-tsin, has nearly contracted for one of Osgood's dredging-machines to dig out the Grand Canal at its junction with the Pei-ho.

The minute from Mr. Hart, in relation to the topography and physics of the *embouchure* of the Yang-tse, and its connection with the Hwangpu River, (inclosure 7,) contains many facts and deductions bearing upon the utility or otherwise of the present scheme. The impotence of human efforts to guide or restrain the action of such mighty rivers in depositing their silt makes it desirable to collect and scrutinize all such data bearing on a plan like this; and the even flow of the Yang-tse, and the uniformity of its deposits, makes it safer to estimate results in this case than in some other rivers.

The only thing now asked of this government is to take measures to increase the depth of water on the bar so as to allow vessels drawing four fathoms to cross at high tide; and this has been shown to be practicable, and its immediate execution a great necessity.

The cost bears a very slight proportion to a trade valued last year at more than seventy millions of dollars, whose customs-revenue is collected entirely by foreigners, and to facilitate which neither the local nor central governments can be induced to try the cheap experiment of dredging this bar a few feet.

I have, &c.,

S. WELLS WILLIAMS.

No. 147.

Mr. Fish to Mr. Williams.

No. 174.]

DEPARTMENT OF STATE,
Washington, July 29, 1874.

SIR: Referring to your dispatch, No. 34, and to your conversation with certain Chinese officials, in relation to the late expedition of the Japanese against the natives of Formosa, I have to reply that the instruction contained in the dispatch of April 8 was confined to the particular case then referred to, and to a time of peace. Your efforts to detach the citizens of the United States who were engaged in the expedition referred to are approved.

You state in your dispatch that you had informed certain officials in this conversation that the Americans entering into the military service of China or Japan did so at their own risk, and that the Government would take no notice of their death under such circumstances. Your answer goes further than the Department feels justified in approving.

In case such American citizens should be killed in battle in the ordinary course of civilized warfare no notice would be taken thereof; but the United States will expect that no unusual or inhuman punishment be inflicted upon any of its citizens who may be taken prisoners, but that they shall be treated according to the accepted rules of civilized warfare.

Where the exercise of a commission or the enlistment in a foreign service is not prohibited by law, the fact that a war arises between the country in whose service a citizen of the United States may be and another nation, with which the United States are at peace, does not, in the opinion of this Department, create an obligation "to refuse to serve or to leave the flag thus employed."

Such fact is of not infrequent occurrence. Citizens of all nationalities were engaged on both sides during the rebellion, and such has frequently been the case with European nations.

I fail to perceive that the doctrine of extritoriality affects the question of the rights of citizens of the United States to engage in the service of foreign powers when not prohibited by law, or that it becomes unlawful because of the engagement being made with a non-Christian power. China has not infrequently availed herself of the services of Americans, as in the case of Ward and Burgevine, and it is not for her to take exception against this Government that it refuses to interfere to prevent its citizens from entering into foreign military service which may not be prohibited by law.

It is believed by this Department that the provisions of the act of June 22, 1860, afford ample power to the ministers of the United States to issue proclamations, or writs, and even to resort to force, in case of a

violation of its provisions, and it is believed that these powers conferred upon the minister will prove sufficient in these cases.

This Department is officially informed by the Secretary of War that Mr. Wasson, said to be attached to the expedition against the natives of Formosa, has not been in the service of the United States since July 1, 1872.

I am, &c.,

HAMILTON FISH.

No. 148.

Mr. Williams to Mr. Fish.

No. 54.]

LEGATION OF THE UNITED STATES,
Peking, August 15, 1874. (Received October 12.)

SIR: I have the honor to submit to you a short correspondence relating to the principle of extritoriality, which has for Americans in this part of the world a particular interest; and a case like the one here described has not heretofore occurred as a practical question in our relations with the colonial government of Hong-Kong.

The case is briefly this: An American, named W. Jackson, appealed to Mr. Seward for protection against arrest, at Shanghai, on a warrant from the magistracy at Hong-Kong, (inclosure 1,) whose colonial secretary makes a request for the man's delivery after he had come under the cognizance of the consul-general, and thus indirectly acknowledges his interposition, (inclosure 2.) The latter appeals to the extradition treaty between Great Britain and the United States as containing the rules which must govern the surrender, (inclosure 3;) but after the case had been abandoned, a review of the circumstances leads me to the conclusion that it does not come within the scope of the extradition treaty, (inclosure 4.)

I have no additional information relating to the circumstances under which the alleged piracy was committed, nor why the man Jackson was not sooner arrested, or where he went during the four intervening months; but these details would probably not at all affect the question.

As the Hong-Kong authorities have given up the case, it is now only a matter of discussion, whose decision by the Department is requested for guidance in the future. If I learn the reasons why they gave it up I will inform you, should there be anything of interest in them.

I have, &c.,

S. WELLS WILLIAMS.

[Inclosure 1 in No. 54.]

Mr. Seward to Mr. Williams.

UNITED STATES CONSULATE-GENERAL,
Shanghai, June 26, 1874.

SIR: A case has recently occurred, to which I respectfully call your attention.

A man named Jackson was some time since arrested by the police of the municipality upon a telegram from Hong-Kong, which stated that he had committed an act of piracy on a British vessel upon the high seas. He was arrested as a British subject, but whether upon a warrant from the British court here I do not know. After arrest he claimed to be an American citizen. I examined his claim and requested the police to deliver him to me, at the same time asking the police superintendent to report the fact

to Hong-Kong; when this was done, the Hong-Kong authorities addressed our consul there, and he telegraphed to me that the case against Jackson was *prima facie* a good one. I responded that I would consider a request for his delivery. I next received a letter from the colonial secretary, a copy of which and my answer I inclose. At a still later moment, I received a telegram from Hong-Kong saying that the prosecution had been abandoned, and I accordingly released the man.

I shall be glad to know whether the course I have taken in this matter meets your approval.

The procedure under the provision of our extradition stipulations with Great Britain is simple and direct, and I doubt whether we can do better than follow it out in each case.

I have, &c.,

GEORGE F. SEWARD.

[Inclosure 2 in No. 54.]

Mr. Austin to Mr. Seward.

COLONIAL SECRETARY'S OFFICE,
Hong-Kong, June 5, 1874.

SIR: I am instructed by his excellency Governor Sir Arthur Kennedy to make requisition for the delivery up to justice of Walter Jackson, who is charged with the crimes of piracy and of assault with intent to commit murder within the jurisdiction of Great Britain, namely, on the high seas, on board the British bark *Satsuma*, on or about the 29th of January, 1874. A warrant for the apprehension of the said Walter Jackson to answer the above charge of piracy has been issued from the magistracy of this colony, upon sworn information laid before a magistrate.

I have, &c.,

J. GARDNER AUSTIN.

[Inclosure 3 in No. 54.]

Mr. Seward to Mr. Austin.

UNITED STATES CONSULATE-GENERAL,
Shanghai, June 11, 1874.

SIR: I have had the honor to receive a letter from you dated the 4th instant, in which you state that you are instructed by Governor Kennedy to make requisition for the delivery up to justice of Walter Jackson, who is charged with the crimes of piracy and of assault with intent to commit murder within the jurisdiction of Great Britain, namely, on the high seas, on board a British vessel, and that a warrant for the apprehension of Jackson to answer the charge of piracy has been issued from the magistracy of the colony upon sworn information before the magistrate.

I hold under arrest the person referred to, and will detain him until the government of Hong-Kong has had reasonable opportunity to submit to me the evidence upon which this requisition is made.

I desire to point out that I am under no obligation to deliver Jackson excepting in accordance with the provisions for the extradition of criminals as settled by treaty between our governments.

At the same time, if, as I may judge from the informality of the demand made upon me, it is the opinion of the colonial authorities that a simpler and more rapid procedure than that indicated in the treaty referred to is reciprocally desirable, I shall be very glad to learn the views of the governor upon this subject, or to learn that he has communicated these views in any way to the superior authorities of my Government.

I have, &c.,

GEORGE F. SEWARD.

[Inclosure 4 in No. 54.]

Mr. Williams to Mr. Seward.

LEGATION OF THE UNITED STATES,
Peking, August 11, 1874.

SIR: I have received your dispatch of the 26th of last June, (No. 374,) with its inclosures, relating to the case of Walter Jackson, a seaman belonging to the British ship *Satsuma*, who was charged with complicity in a case of piracy, and assault with intent to murder, on board that vessel, but who, having escaped to Shanghai, claimed your protection from arrest under a warrant from the British authorities of Hong-Kong, because of his being an American citizen.

This case presents some peculiarities which render it worthy a careful examination. The piracy is said to have been committed on or about the 29th of last January, and Mr.

Austin's letter is dated June 6, or more than four months after, during which interval it is not said where the ship went, or where Jackson escaped from her, but he had then been arrested in Shanghai as a British subject. He then applied to you for protection against this arrest, solely on the ground of his citizenship. You consented to protect him, and proposed to Mr. Austin to detain him until the government of Hong-Kong had had reasonable time to submit to you the evidence upon which the requisition was made; adding, as a reason, that you are "under no obligation to deliver Jackson, except in accordance with the provisions for the extradition of criminals, as settled by treaty between the respective governments."

In my view the extradition treaty between the United States and Great Britain does not apply to this case at all; and if so, you had consequently no power to interpose to prevent the rendition of Jackson from Shanghai by the municipal police on the warrant of the Hong-Kong government. It seems to me that the provisions of that treaty are intended to apply only to the territory of the United States, and they cannot be extended to the territory of the Emperor of China. Neither of the two governments in question has any need of an extradition treaty with China, for she has yielded all her rights over the persons of the subjects of both nations, and they cannot exchange or avoid their allegiance within her territory.

The phraseology of the treaty shows that crime must be committed within the jurisdiction of either, and that the criminals must have sought an asylum or be found within the territories of the other nation. This upholds my conclusion that Jackson, in the eye of the law, was still a British subject, and amenable to the laws of Great Britain. He was charged with piracy on British territory, and the British treaty with China gave the authorities of Hong-Kong power to claim him anywhere in her territory. But if a native-born British subject had committed piracy on board an American ship, and had fled to Hong-Kong to evade arrest from your consular warrant, the stipulations of the extradition treaty would properly guide your measures taken to execute a writ of *habeas corpus*, and bring him up for trial in your court in China, for the simple reason that that island is British territory. The essential element of that treaty being territorial jurisdiction, its stipulations could not apply in Jackson's case, under the present circumstances, but would have done so if they had been reversed as above supposed.

The case of David Williams may be referred to. He was tried in your consular court in 1864 for piracy and murder, convicted, and sentenced to be hung, but appealed to the British consul to protect him because he was a Welshman by birth. The appeal was denied because the crime was committed under the American flag, though in Chinese waters; but neither party referred to the extradition treaty, which was felt to be totally inapplicable, because neither of them had territorial jurisdiction where the crime was committed.

Jackson could not escape his accountability for his crime by leaving his ship and fleeing to China, and there pleading his birthright of an American citizen, to exempt him from British jurisdiction, and your evident intention was to deliver him up as soon as the call was presented, but I conclude that you had no right to detain him.

If your interposition had any influence in preventing his trial and a merited punishment of his crime, I regret that it was extended to him, but rather infer that other things may have come to light to induce the authorities in Hong-Kong to abandon the prosecution.

I shall communicate a copy of this dispatch to the British minister here for transmission to Sir Arthur Kennedy.

I am, &c.,

S. WELLS WILLIAMS.

No. 149.

Mr. Fish to Mr. Williams.

No. 179.]

DEPARTMENT OF STATE,

Washington, August 29, 1874.

SIR: I inclose, for your information and that of Mr. Avery, a copy of an instruction of the 26th instant, No. 409,* addressed by this Department to George F. Seward, esq., the consul-general of the United States at Shanghai, in relation to participation of citizens of the United States in the Japanese expedition to Formosa.

I am, &c.,

HAMILTON FISH.

* See correspondence with the consul-general in China.

No. 150.

Mr. Fish to Mr. Williams.

No. 180.]

DEPARTMENT OF STATE,
Washington, August 29, 1874.

SIR: I transmit herewith, for your information and that of Mr. Avery, a copy of an instruction of the 26th instant, No. 65, which has been addressed to John A. Bingham, esq., the minister of the United States in Japan,* with an inclosure, both relating to the subject of co-operative action between the United States and other western powers in that country.

I am, &c.,

HAMILTON FISH.

No. 151.

Mr. Fish to Mr. Williams.†

No. 181.]

DEPARTMENT OF STATE,
Washington, September 1, 1874.

SIR: Referring to my No. 179, of the 30th ultimo, I transmit herewith, for your information, a copy of an instruction of the 6th of June last, No. 43, to John A. Bingham, esq.,‡ our minister in Japan, relative to the authority conferred by the act approved June 22, 1860, on ministers of the United States in countries where rights of extritoriality are granted.

I am, &c.,

HAMILTON FISH.

No. 152.

Mr. Williams to Mr. Fish.

No. 57.]

LEGATION OF THE UNITED STATES,
Peking, September 3, 1874. (Received October 29.)

SIR: Since my dispatch of the 22d ultimo (No. 55) was sent to the Department nothing decisive has taken place between the Chinese and Japanese ministers in this city in reference to the Formosan question. There have been long and excited discussions between them, but I suppose the chief reason for delay has been the appointment of a new envoy from Yedo, who comes with full instructions. The interval has been diligently occupied by both parties in mustering their forces in readiness for the coming strife; and the people on the coast are becoming enthusiastic in the affair, owing very much to the circulation of two or three native newspapers. Yet my strong belief is that the Peking government does not relish or desire the struggle, and is ready to take any measures to restrain the tribes in Formosa from repeating their violence, if the Japanese will leave.

* See correspondence with the minister to Japan.

† A similar dispatch was addressed to Mr. Boker, minister resident in Turkey.

‡ See correspondence with the minister in Japan.

I am so confident that you have been informed of every important particular connected with the arrest and discharge of General Le Gendre, by the consuls at Amoy and Shanghai, that I shall not repeat what they have written about it. Mr. Seward has sent me a copy of his dispatch No. 797, in relation to it, and I only refer to it in this place in explanation of the following short extract from a reply sent him on the 31st ultimo:

In view of the whole question, and the difficulty of finding witnesses to prove charges against General Le Gendre of having violated the neutrality act, I think you could hardly have done otherwise than discharge him. To send him to Japan for trial would have also been attended with the same difficulty of proving the charges or of getting the attendance of witnesses. The arrest has, however, had its effect in showing the Chinese our desire to carry out treaty stipulations.

I, however, inclose copies of the protest of Mr. Go Sheki, acting Japanese consul at Amoy, with Mr. Henderson's reply, and my dispatch to him upon it, (June 1, 2, and 3,) and General Le Gendre's protest, (inclosure 4,) in order to facilitate reference to them. These protests involve one or two points in international law which, so far as I can learn from Wheaton, have not been prominently brought forward in treatises on the subject.

In Europe, where Turkey is the only power under the restraint of the ex-territoriality law, there has been no risk of one of her envoys being interfered with as he went over the continent by entering into the limits of a nation where the same ban prevailed, and, therefore, the question of the status and privileges of her diplomatic agent in the territories of the other could not arise. Neither would it enter into her view to appoint as her envoy anybody beside one of her own subjects to represent her abroad, and especially in a state subject to the same disabilities, and this would prevent this point of his immunities coming up.

In General Le Gendre's case, it has happened that the Japanese consul claims for him immunity against the jurisdiction of his own national authorities, simply on the ground of his enjoying the privileges of a diplomatic agent. This protest states, for the first time to my knowledge, that General Le Gendre was "His Imperial Japanese Majesty's special commissioner in China," but no such announcement was made by the Mikado's government to the United States legation in Japan before he left that country. None of the Japanese officials in China have informed this legation or the United States consuls of the appointment, and it seems to me that this act of courtesy was necessary as a preliminary to his being accepted as a commissioner by the Chinese officials. General Le Gendre came to Peking last year as one of Soyeshima's suite, but that subordinate position was altogether different from the present one claimed for him. But whatever his own national authorities might say or claim in the premises, I think that until he had presented his credentials, and been acknowledged by the Chinese government as a diplomatic officer, he could not be considered as such by any one. No Japanese official had informed the Chinese authorities, so far as I know, that he had been sent on a diplomatic mission by the Mikado, and his pretended national character could not be claimed in immunity of arrest by the United States consul.

* * * * *

In view of all these things, I conclude that the protest of Mr. Go Sheki is entitled to no weight, and that he had no grounds for making it. To allow its propriety in any degree would allow the Japanese government the right to employ American citizens in China to carry on its

hostile operations against the peace of this country. It would compel American consuls to see their countrymen plotting in China against its government, and disregarding the obligations of treaty without the power vindicating the dignity and position of the United States.

In his protest General Le Gendre lays great stress on the fact that as he was engaged by the Japanese government in accordance with Article X of the American treaty, before it invaded Formosa, or committed any hostile act, and with the permission of the United States minister in Japan, he is, therefore, to obey all its orders during those hostilities. That article allows the Japanese government to engage American citizens in the United States (and elsewhere, too, I infer) in any lawful capacity, but his deduction that such an engagement carries with it permission to break a treaty-right is fallacious. To say, in addition, as he does in the same paragraph, referring to the neutrality act, that he is beyond its application because when he accepted his present task he was without the jurisdiction of the United States, is even still more so, for neither in China nor Japan can he place himself without that jurisdiction.

It seems to me that his protest shows throughout a singular misconception of the application of the laws he quotes. Article X is brought forward to release himself from United States jurisdiction in China, because he had been engaged by the Japanese before they had committed any hostile act within Chinese territory, and because this article was a law before the act of Congress of June, 1860, and therefore is paramount to it. But in my view there is no difference between being engaged while Japan is at war with any power in amity with the United States, and afterward engaging in active hostilities after entering her service because she ordered it. The plain intent of the proviso is to restrain American citizens from aiding Japan in any military or naval capacity at any time or place out of her own territory; and a subsequent state of war must work the same disability that an actual state would have done at the time of engagement.

General Le Gendre has rather altered the meaning of the proviso by changing the phraseology, but I do not suppose he intended to do so in any degree. It reads: "*Provided*, That no articles that are contraband of war shall be exported [from the United States], nor any persons engaged to act in a naval or military capacity, while Japan shall be at war with any power in amity with the United States." He quotes it, "*that such person shall not be engaged to act*," &c., in order; apparently, to fortify his inference as to the *time* of engagement, and prove that subsequent hostilities could have no retrospective action in invalidating his freedom to serve the Japanese in a war against China.

His remark, that the act of 1860 was framed chiefly because "some American adventurers, notably Ward and Burgevine, had taken an active part in the troubles between the Chinese government and the Taiping rebels, Burgevine having given his aid on both sides," is erroneous. When the act was framed in 1860, the proceedings of General Ward were hardly known in the United States, and Burgevine's career was from 1863 to 1865.

Even if he is correct in assigning this reason for inserting the clause in section 24, that it referred primarily to civil wars, his deduction, that the stipulation in the prior treaty with Japan overrides it, is unsound, for as soon as a person engaged in the service of Japan leaves that country and arrives in this, he comes under the operation of the treaty with China. He cannot quote the treaty with one belligerent to do wrong to the other, by breaking its treaty, and that with China should

be paramount, according to General Le Gendre's reasoning, for it is the oldest of the two. He is so taken up with his postulate, that a prior engagement with Japan justifies a subsequent wrong to China, that he is unconscious of the incongruity.

Speaking of the act of 1860, and the prior obligation of the treaty of 1858, he adds, "I say that the law of 1860 never could have been understood by its framer to apply to Japan, and that it was never intended that it should." I should have thought that, knowing that the framers of the act had the treaty of Japan before them, the general would have been led to doubt his own reasoning in his own favor, and concluded that they intended to define the limits of Article X, and restrain American citizens from doing what he and Mr. Cassell and Mr. Wasson are now doing.

Some persons have questioned whether taking the whole scope and wording of the neutrality act of 1818 into consideration, which indicate that it was apparently designed only for cases within the territory of the United States, and that at the time it was passed, the question of extritoriality was nearly unthought of, and not found in treaties, its provisions are applicable to these eastern countries. The sixth section contains the clauses which seem to link the act with proceedings like those of Mr. Cassell; but in this, it has been asserted, the intent of the framers by using the word "jurisdiction" was plainly to include ship-board, and not foreign countries like China where Americans then were not living under their own laws. However, I do not regard the exception as a good one, and as Congress has not since passed an act such as the objectors deem necessary to cover the more modern circumstances, I think Mr. Henderson was right in quoting the act when addressing General Le Gendre. No one can assert that its general scope is inapplicable to present circumstances in maintaining the neutrality of the United States; and that is the main point.

I have entered into this analysis of General Le Gendre's protest, because it has attracted the attention of the community, and the newspapers have rather taken his side. In it he says nothing upon the point, whether war exists between China and Japan, for I suppose if he proved that there was no war, he would at once infer that people might reasonably ask what was he doing here as a special commissioner. One of the most labored articles in his favor says, speaking of engaging Americans before the war and retaining them now, "That in such a case it would no more be permitted to the United States to deny the right to Japan to retain in her service, while war is going on, the American citizens engaged before the war commenced, than it would be to demand of Japan the return of the arms, ammunition, and vessels of war, bought before the expedition to Formosa was fitted out, but used after its departure." This would doubtless be true enough if there was no treaty with China involving obligations to prevent American citizens doing this very thing.

In regard to the discharge of General Le Gendre, I have only to add that, in the absence of direct proof of his having violated the acts quoted by Consul Henderson, and the very great difficulty of procuring witnesses in China or Japan, I think that Mr. Seward acted properly in discharging him.

I have, &c.,

S. WELLS WILLIAMS.

[Inclosure 1 in No. 57.]

Gosheki to Mr. Henderson.

HIS IMPERIAL JAPANESE MAJESTY'S CONSULATE,
Amoy, August 11, 1874.

SIR: I have been informed that the Hon. Charles W. Le Gendre, a citizen of the United States, who was engaged by the Japanese government, through the United States minister in Japan, in December, 1872, in conformity with the terms of article 10 of the treaty of 1858 between Japan and the United States, and now His Imperial Japanese Majesty's special commissioner in China, was, on the 6th day of August, 1874, forcibly taken before your court by United States marines, landed for that purpose from the United States steamship Yantic, upon unknown charges, and in virtue of a warrant issued by you while he was in Amoy on his way to Foo-Chow and Shanghai on business connected with his mission; that on the day following the Hon. Charles W. Le Gendre was against his will again brought before your court; that he is now forcibly detained by you at this port and rendered unable to discharge the duties intrusted to him by His Imperial Japanese Majesty; that he has already notified you that he yielded only to force, which he was unable to resist, in suffering the violence and detention to which he is now being subjected in Amoy; and that he has strongly protested against these proceedings:

Now, therefore, I, Gosheki, His Imperial Japanese Majesty's acting consul at Amoy, find it my duty to myself to protest, which I hereby do, in the most formal and solemn manner, against this act of violence toward His Imperial Japanese Majesty's special commissioner as being a manifest infraction of the rights of nations, and contrary to the privileges and immunities which public commissioners enjoy in civilized countries.

I have, &c.,

GOSHEKI.

[Inclosure 2 in No. 57.]

Mr. Henderson to Gosheki.

UNITED STATES CONSULATE,
Amoy, August 10, 1874.

SIR: I have to acknowledge the receipt of your communication of yesterday, in which you complain of my action in arresting Mr. C. W. Le Gendre, a citizen of the United States, who you say is sent to China as a special commissioner of His Imperial Japanese Majesty the Emperor of Japan.

Although I have received no official notice of the establishment, or recognition of a Japanese consulate at this port, I will state for your information that on the 6th instant Mr. Le Gendre was arrested by me in the United States consulate upon the charge of advising, aiding, and abetting an expedition in hostility to the government of China, in violation of the laws of the United States and their treaty with China, and was at the time informed by me that I was acting under instructions from the United States legation at Peking.

I will add that I know of no provision in the treaty between Japan and the United States permitting citizens of the latter country to accept or exercise any position under the former which is inconsistent with their prior obligations to obey the laws of their own country, or so long as they remain its citizens, whereby they may deprive their government of its jurisdiction over them either in Japan or China.

The tenth article of our treaty to which you refer does not, even for a lawful purpose, authorize the employment by the government of Japan of citizens of the United States to engage in her diplomatic service, and even if it did under the treaty they would still be amenable to the laws of the United States.

However, I will forward your dispatch to the legation for decision and instructions.

I am, &c.,

J. J. HENDERSON.

[Inclosure 3 in No. 57.]

Mr. Williams to Mr. Henderson.

LEGATION OF THE UNITED STATES,
Peking, August 31, 1874.

SIR: I have received your two dispatches of the 10th and 13th instant (Nos. 10 and 11,) both relating to the arrest of Charles W. Le Gendre, and inclosing copy of a pro-

test from Gosheki, acting Japanese consul at Amoy, against this arrest, and your reply to him.

You have, in your answer to Mr. Gosheki, clearly stated the grounds of your action; and the reference he makes in his protest to the engagement of General Le Gendre, in Japan, in December, 1872, and his subsequent appointment by that government as special commissioner to China, has no strength or validity in neutralizing your jurisdiction over him. General Le Gendre is still an American citizen, and if you have reason to believe that he is violating the laws of the United States, or the treaty with China, while within your jurisdiction, you have no need to refer to any Japanese authority in taking all proper measures to restrain him.

The tenth article of the treaty between Japan and the United States relates particularly to the engagement of American citizens in a military or naval capacity, and does not speak of diplomatic service, as you observe in your answer; but neither in one nor other of these capacities can any American citizen in China be allowed to aid or abet a hostile expedition against its government as long as the United States is at peace with it. Still there is an apparent difference in the nature and objects of the two callings, and more caution and evidence are, perhaps, required before proceeding against one in an ostensibly peaceful employment than one whose profession is warlike, and his surroundings more or less hostile.

If it was found after arrest that no proof of having violated treaty obligations was produced, or not enough to detain the prisoner, he should be discharged; but it was not competent for the Japanese consul to ask for the charges, as General Le Gendre was not under his jurisdiction, and Japanese law could not interfere.

I conclude further, that there was no infraction of the rights of nations in your acts, nor anything in them "contrary to the privileges and immunities which public commissioners enjoy in civilized countries," as Mr. Gosheki expresses it. The case is no doubt a singular one, but the Japanese government will clearly understand that their employment of American citizens does not remove such persons from the paramount claim of their own national laws, wherever those laws reach. Neither does an engagement in either of the above-mentioned callings by the Japanese government, when there was no hostile expedition started against China, authorize American citizens to engage further in active hostilities under the Japanese flag, and screen themselves by their previous obligations to serve their employers, as releasing them from their duty to keep the peace with China, while within her limits.

I am, &c.,

S. WELLS WILLIAMS.

[Inclosure 4 in No. 57.]

Protest of C. W. Le Gendre against his arrest by the United States consul at Amoy, August 7, 1874.

Selected by the government of Japan to come to Southern China, and represent it here on a mission of peace as its special commissioner, I solemnly protest against the violence used toward me by the authorities of the United States at Amoy, in depriving me of my liberty, and forcibly and against my will bringing me before them, in virtue of a warrant, in which, in violation of all principles of law, no mention of the offense or crime of which I must necessarily be accused is mentioned.

My quality as a United States citizen, and my connection as such with the Japanese government, while the latter is engaged in carrying out a scheme of pacification within the boundaries of aboriginal Formosa, cannot be invoked (as it may ultimately be) by the United States authorities in justification of their act, for the very nature of the duties which I have come here to perform entitles me to certain privileges and immunities which both China and western powers are bound to respect; and by depriving me of my liberty, while thus vested with this character, this court has committed toward Japan an unfriendly act, which that country cannot fail to resent, and which, in the course of time, the United States, in their well-known policy of justice, will certainly regret.

While as a public officer of Japan, I turn my eyes toward the United States and protest against the wrong which I am now made to suffer, and for which I claim redress as a citizen of these same United States, I feel deeply grieved for the error which I believe has been committed here by this court. This error is the more apparent when we come to consider the different circumstances under which the American authorities might have been placed in their relations with me in my double capacity as Japanese officer and United States citizen. I will suppose the worst case; that is, that the late

action of Japan in aboriginal Formosa constituted an act of war against China, or, as some have called it, a war without declaration.

It must be remembered that I was engaged by the Japanese government long before the Formosa mission started. Now, the treaty of 1858 between the United States and Japan says that Japan *shall have the right to engage in the United States * * * naval and military men * * * to enter its service, * * * provided that such persons shall not be engaged to act in a naval or military capacity while Japan may be at war with any power in amity with the United States*, and I do not think that this proviso prohibits Japan from employing American citizens to act in a military or naval capacity who have been engaged before Japan went to war. Neither does the act of Congress passed April 20, 1818, commonly called the "neutrality law;" for, when I accepted my present task under the Japanese government, I was without the jurisdiction of the United States.

Now we come to the act of 1860. In passing this act the object of Congress was to arm the ministers and consuls of the United States in China, Japan, and Siam with certain powers that would enable them to carry into effect the treaties with those powers, for which purpose previous jurisdiction was insufficient. It provides that "it shall be competent for each of the said ministers to issue all manner of writs to prevent the citizens of the United States from enlisting in the military or naval service of either of the said countries, to make war upon any power with whom the United States are at peace or in the service of one portion of the people against any other portion of the same people, and he may carry out his power by a resort to such force as may at the time be within his reach belonging to the United States."

However stringent this law may appear at first sight, it can have but very little bearing upon the case at issue. It is, it is true, a law of the United States, binding, so far as it goes, upon all American citizens. But the treaty of 1858 between Japan and the United States is also a law of the United States. Mr. Wheaton says: "Under the Constitution of the United States, by which treaties made and ratified by the President, with the advice and consent of the Senate, are declared to be the supreme law of the land, it seems to be understood that the Congress is bound to redeem the national faith thus pledged, and to pass the laws necessary to carry the law into effect." (Wheaton's International Law, section 226, page 339.) Now, we have seen that, by the terms of the treaty of 1858 between Japan and the United States, persons who retain the character of citizens of the United States and are in the service of Japan may, without blame to themselves or Japan, serve that country in a war begun after their entering the service. If so, how could Congress, which was bound under the Constitution to legislate for the purpose of carrying into effect the terms of the treaty, pass a law that would virtually set at naught the provisions of this same treaty? In vain would we agree that the law of 1860 applies to United States citizens and not to Japan. It is beyond question that Japan can claim certain privileges from the United States under the terms of the treaty of 1858. If, by depriving United States citizens of a certain proportion of their liberty in their relations with Japan and her people, either or both are debarred from enjoying these privileges, and if the enactment of the law of 1860 is the means of doing this, I say that the law of 1860 never could have been understood by the framers thereof to apply to Japan, and that it was never intended that it should. Now, we must not forget that the law of 1860 was framed chiefly because some American adventurers, notably Ward and Burgevine, had taken an active part in the troubles between the Chinese government and the Tai-Ping rebels, Burgevine having given his aid in turn to both sides. Congress was anxious to prevent, by legislation, the recurrence of such proceedings, not only in China, but in all the countries where it was likely they might again take place, and, to prevent all possible transgression of the law, this body extended the prohibition from enlisting in the service of contending parties in cases of civil wars among those nations to entering the army or navy of either of those countries while at war with some power with whom the United States have treaties of peace and amity. In what relates to China or Siam, neither of which has such a clause in her treaty as the one referred to above, this law can be carried out, but it cannot be legally enforced in the case of Japan. It could be, however, were the law to be embodied in a new treaty, but it has not been so embodied, and, until it has been, it cannot affect or modify the treaty of 1858 without the express consent of Japan in every case. In the present instance we must infer that this consent has not been given from the fact that, contrary to the stipulations of the law of 1860, but in accordance with the terms of the treaty of 1858, an American was engaged by the government of Japan to serve in connection with the Formosa mission previous to a declaration of war against either the aborigines of the island or the Chinese Empire, and the provisions of this same treaty can be invoked by both Japan and the citizens of the United States in justification of their acts in all the courts where the laws of the United States are enforced.

CHS. W. LE GENDRE.

AMOY, August 7, 1874.

No. 153.

Mr. Fish to Mr. Williams.

No. 191.]

DEPARTMENT OF STATE,
Washington, October 23, 1874.

SIR: Referring to your dispatch No. 54, in relation to the case of Walter Jackson, who was charged with the crime of piracy and assault with intent to commit murder on board a British vessel on the high seas, I inclose for your information a copy of an instruction* of this date, addressed by the Department to Mr. George F. Seward, the consul-general of the United States at Shanghai, in reference to this case.

I am, &c.,

HAMILTON FISH.

No. 154.

Mr. Cadwalader to Mr. Williams.

No. 194.]

DEPARTMENT OF STATE,
Washington, November 2, 1874.

SIR: I transmit herewith for your information a copy of dispatch, No. 425,† of the 2d instant, addressed by this Department to Mr. George F. Seward, consul-general of the United States at Shanghai, in relation to the arrest of General Le Gendre, late consul of the United States at Amoy, on account of his connection with the Japanese expedition to Formosa.

I am, &c.,

JOHN L. CADWALADER,
Acting Secretary.

No. 155.

Mr. Henderson to Mr. Davis.

No. 30.]

UNITED STATES CONSULATE,
Amoy, June 1, 1874. (Received July 20.)

SIR: I have the honor to inform you that through the courtesy of Commander A. Kautz, of the United States steamship Monocacy, last week, I had the pleasure of visiting Liang Kiau Bay, in Formosa, where the Japanese forces are encamped. (See my dispatch No. 28.)

We started from Amoy on the evening of the 27th ultimo, and arrived at Takao roads at sundown on the following day, where we had intended remaining over night, but the weather was so stormy we were unable to land, and after lying at anchor some three hours, proceeded down the coast against a strong southwest monsoon, and at daylight next morning anchored at Liang-Kiau Bay. This bay is formed by a small curvation in the shore-line, and affords not the slightest protection against the southwest monsoon. Consequently a heavy sea was breaking upon the shore in front of the Japanese camp, rendering it im-

* See instruction No. 424 to consul-general at Shanghai.

† See infra.

possible for us to communicate with them. After remaining there a few hours the storm became more violent, and vessels in the harbor began to drag their anchors. Commander Kautz, thinking it unsafe to remain, and that we could not land for several days, put to sea, and returned to Amoy, where we arrived on the evening of the 30th.

However, while at Liang-Kiau, we communicated with the British gunboat *Hornet*, and from her officers and other reliable sources I learned the following facts:

Japanese land forces now there number about three thousand. The Japanese corvette *Nashin*, and transport *Shaftesbury* at anchor in the bay, and the Japanese gunboat *Wooshin* and six other vessels, had been there but were gone. These vessels are nearly all commanded by citizens of the United States.

On the 23d the Japanese skirmishers had an engagement with the natives, and report sixteen savages killed, with six Japanese killed and thirty wounded.

The Japanese have the cordial co-operation of the Chinese at Liang Kian.

The Chinese corvette *Yang Boo* and gunboat *Fusing* visited Liang Kian on the 23d ultimo.

Although I have no official information from any source that Americans are taking part in these operations, I know personally that Lieutenant-Commander Douglas Cassel, U. S. N., and three or four other citizens of the United States, accompany the expedition.

I have the honor to inclose herewith copy of a dispatch, and translation of same, which I received on the 30th ultimo from the Chinese Taotai at this port, and respectfully request instructions as to course to pursue toward citizens of the United States implicated.

It will doubtless be remembered that these savages have heretofore been treated as an independent people, not only by foreign governments, but by the Chinese themselves, who have not hitherto pretended to claim that part of the island where the savages reside, or in any manner be responsible for their conduct. (See Consul Legendre's dispatch No. 13, of February 20, 1868, from the board of trade at Foochow to him, dated February 7, 1868.)

It is to be hoped that this affair will, at least, settle this question of responsibility for the future.

Although the Japanese have landed at a place occupied by Chinese, they claim it is by the express permission of the imperial government at Peking.

If the difficulty between China and Japan should assume a more formidable shape before I receive instructions to do otherwise, I will enjoin upon American citizens in Formosa the observance of the strictest neutrality.

I have, &c.,

J. J. HENDERSON.

[Inclosure 2 in No. 30.—Translation.]

Tautai Tin to Mr. Henderson.

I have the honor to inform you that on the 8th day of the 4th moon of this year, (23d May,) I have received a dispatch from the board of trade at Foo Chow, stating that on the 30th day of the 3d moon of the same year (15th May) a dispatch was received by them from Viceroy Li, of the Fuh Keen and Che Kiang provinces, which says that on the 23d day of the 3d moon of the same year, (May 8,) his excellency had

received a dispatch from the Japanese commander-in-chief, dated the 27th day of the 2d moon, (April 16,) which says as follows :

"From time immemorial the savages of Formosa have always been in the habit of killing and plundering, and should they find any person cast ashore or in danger they become very happy, and not long ago several of my countrymen, who encountered bad weather, being driven on that shore and endangered, were massacred by them.

"Now, my government having appointed me commander-in-chief to penetrate into the savage country, summon their headmen, show them kind feelings in every way, open their hearts, discuss the points, and demand the surrender of the savages who have committed the murder, and have them punished, so as to show good example to others and prevent a repetition of the offense hereafter ; also, to protect future passers-by ; therefore I take my country soldiers with me to go by sea to the savage country at Formosa, and to inform you of my proceedings."

I also inclose another writing, which says that—

"Sixty-six Loo Choo islanders, when passing Formosa, were shipwrecked on that coast, and fifty-four men were plundered and killed by the Bawtan tribes, and only twelve escaped.

"Another party of men belonging to Pee-chung Chin, named Leepah, and three others, were also wrecked on that coast and plundered by the Pilam tribe, but the lives of the four men were spared. My government, therefore, send a commissioner to proceed to the spot, to conquer their hearts, and to make them comprehend human nature better and show good feelings toward others.

"I take soldiers with me as a precaution in case of emergency ; that is to say, should they refuse to come to terms with us or endanger our persons, then we cannot help ourselves, and we would be compelled to chastise them a little, which we are bound to do, &c." (Here ends the Japanese dispatch.)

Now the Viceroy says :

"I have examined into this affair, and find that the whole island of Taiwan has figured a long time in the map of my country ; that although the natives consist of savages and half-castes, they have for upward of two hundred years resided and subsisted themselves in that territory, like Kwangtung, Kwangsoo, Hoonan, Hoopet, Huenan, and Kweichow, which have savages as well, and are called Yiao, Tung, Miao, and Lee, yet they are all in Chinese territory from time immemorial.

"According to ancient history these territories belong to China, and although the savages inhabit the high mountains, their nature like wild beasts, and civilized law not having been able to reach them, nor are we taken notice of by them, yet they reside within the dominions of our territory and are our subjects.

"I have also examined into the international laws, and find that any living or moving object or inhabitants, no matter whether born in the land or come from abroad, are amenable to the laws of the country they reside in. Fasheal says that anything in the country of any nation belongs to that nation. He also says that any territory discovered or conquered by any nation, and so recognized by treaty, no matter whether it was done fairly or not fairly, and so held for a long time, no person has any right to question whether it belongs to them or not. He further says that every nation should attend its own business and mind its own duty.

"I have examined the above facts and find that Formosa actually belongs to China ; therefore, Chinese laws should be administered to its people, and there is no occasion to allow any other nation to interfere with our duties.

"The Japanese commander-in-chief states in his dispatch that the savages at Formosa had killed harmless people and endangered them, and that he had received orders to proceed to the savage territory and punish the principal guilty party life for life, also to teach them a lesson for the future, because they are very wicked and have been always killing harmless people.

"According to the laws of China they must be punished. Formosa belonged to China a long time ago. The Japanese government, without consulting the Tsungli Yanien as to how and in what manner the affair is to be settled, sends a commander-in-chief and troops at once to that place. This is against international law, and does not agree with the first and third articles of the Japanese treaty with China, which was ratified on the tenth year of Tung Tchi.

"And now, after carefully examining everything, we find that the first part of the Japanese dispatch says that they will send for the savage chief, to open their hearts and persuade them not to repeat the offense. Again, and that although they take a commander-in-chief and soldiers to Formosa, it is merely to be prepared in case of an attack by the savages and to punish them.

"The meaning of the Japanese commander-in-chief is only to punish the principal savages who were implicated to prevent future troubles, and there is not the least intention to go to war with China.

"With regard to the two complaints already made by the Japanese, the one relating to the Pie-chung-chin men, I have to remark, that none of the men were hurt, and that they were handed over to the authorities who had sent them to the Japanese consul at

Shanghai, through deputies appointed by me, and thus they were restored to their homes.

"Some time ago I ordered the Taotai and Deputy at Formosa to erect watch houses and gates from Pang Liao to Liang Kiao, and soldiers and volunteers were stationed all along, in order to protect foreigners and others who may be cast away on that inhospitable shore. Certainly, after this, any Japanese merchantman passing to and fro that coast will not be molested.

"Last year when the Pee-chung-chin men were driven there nobody got hurt. This is a proof.

"The Loochoo Island is tributary to China, and is called by the Chinese "Choing San." Both the king and inhabitants have full respect toward China. I value their lives equally as my people, and have given special orders to the Chinese authorities to make the savages responsible, and to deliver the men who have done wrong and have them punished, life for life.

"Finally, I say that Formosa belongs to China, and it is the Chinese who have to manage their own affairs. There is no necessity to allow the Japanese to act in any way for us.

"All the foreign ministers at Peking will concur with me, and say that the remarks made by me are quite reasonable.

"I have also addressed the Japanese commander-in-chief in the same day, and requested him to take his troops back to his country, and act in accordance with treaty.

"I have also addressed in the same day the board of trade at Foochoo, to notify the public in general.

"On the 28th day of the 3d moon (13th May) the board of trade received a letter from the superintendent of customs, Tartar General Wooing, stating that on the same day, (13th May,) through the war department, by "fire-post," a secret communication was received from the Tsung li Yamen, copied from an official memorandum by Her Britannic Majesty's principal Chinese secretary, Mai, and by him personally handed to the Tsung li Yamen. It says as follows:

"Whenever one party goes to war with another party, foreign nations are not allowed to work underhand by assisting them.

"I am now given to understand that the Japanese have hired foreign vessels to convey their soldiers, &c., and I, minister, wishing to preserve public interests, ought to investigate into the matter.

"There are four rules to be observed. Rule 4 says as follows:

"As the Japanese have proceeded to China, and landed on Chinese territory, I make a particular rule, that is: If my country's subjects should save the Japanese, and help them by their power and influence, no matter whether it is my government's duty to prevent them or not, or whether the Japanese have the approbation of the Chinese government or not, my government will give explicit orders when things assume another aspect. British subjects can serve neither the Japanese nor Chinese government. This will be fair and just. Were I to give notice just now, it will cause the Japanese and Chinese to break friendship. I have plainly given orders to my respective consuls not to notify to the people as yet before they hear from me again.

"Should British subjects have anything to do with this affair, the consuls are to discourage them, and prevent them from having anything to do with it." (Here ends the viceroy's dispatch.)

Now, says the board of trade:

"That on receipt of this dispatch they wrote to the Taotai, and requested him to communicate its contents to the Chinese local authorities and the nearest consuls."

Now the Taotai says:

"I have before this received instructions from the viceroy on the subject, when I made up my mind to address you, but as I have again received a dispatch on the subject, I do so now, and beg to request you that, should you find any of your countrymen interfering in this affair, you will please stop them, and thus preserve friendship, which is very important.

AMOI, 12th day, 4th moon, 13th year of Tung Tchih, (27th May.)

No. 156.

Mr. Henderson to Mr. Davis.

No. 31.]

UNITED STATES CONSULATE,

Amoy, June 3, 1874. (Received July 20.)

SIR: Since sending my dispatch No. 30, with reference to the Japanese invasion of Formosa, I had a long conversation with the Chinese

admiral and Taotai at this port on that subject, and particularly the complicity of certain prominent Americans in the affair. The Taotai thought it a matter of common notoriety that Americans *were* taking part, and a very active one, too; and remarked that it had frequently been stated in the newspapers that the expedition had been concocted and was being managed by Americans. They professed to regard America as China's oldest and truest friend, and thought justice and good faith demanded that our Government should at once prevent its citizens from taking any part in the performance. The admiral made a special request that I would do what I could to bring about an amicable settlement of the trouble that would be just and honorable to China.

I cannot help thinking it a little unfortunate, for appearance' sake at least, that citizens of the first Government in the great family of nations, just now trying to teach China international rights and obligations, should be about the only foreigners implicated, and especially that so many of them, until quite recently, held responsible positions in our civil and military service, and *particularly* that one of them is now a lieutenant-commander in our Navy.

I assured them that it had always been the pride of the United States to maintain a scrupulously impartial neutrality in difficulties between other nations in which they had no concern, and that, when apprised of any unlawful conduct on the part of either their officers or citizens in China, it would inquire into the matter and do justice; but as yet I had no certain information that Americans were taking any part in the transaction, other than that of innocent observers; that I had been over to Formosa to see for myself what was going on, but the weather was so stormy I was obliged to return without landing; and, until I received the Taotai's letter on the subject, a day or two ago, I was not aware that China claimed the savage territory at all, and had been so informed by a high officer in their service; that, besides all this, it had frequently been stated in newspapers that the Japanese had gone to Formosa with the express consent of the government at Peking. They both claimed to have authority from Peking to declare the latter report untrue.

The character and sources of the information I have received about this affair, until within the last four or five days, has not seemed to justify me in taking any official notice of it; and, judging from what I know of the history of Formosa and its savage inhabitants, I was disposed to believe that China had given permission to the Japanese to go there and punish the savages, and really supposed she would be glad of it, if they had to be punished at all. But after what developed in the conversation yesterday, I concluded this morning to telegraph to the legation for instructions as to the course to pursue toward Americans implicated, and did so.

I have, &c.,

J. J. HENDERSON.

[Inclosure.—Newspaper extracts.]

[From *The Daily Press*, Hongkong, June 2, 1874.]

THE WAR IN FORMOSA.

(From our special correspondent.)

JAPANESE CAMP, *Langkiaou*, May 21, 1874.

Langkiaou, where the Japanese are encamped, is a small plain, one or two square miles in extent and surrounded by hills, on the west coast of Formosa, about ten miles

from the South Cape, and forty miles from Takow. There are a few Chinese villages in it. Communication with the north is generally by junk, as the path through the hills is not safe from attack.

The Japanese have lately been busily occupied in changing the position of their camp. The old one was on an open level plain, that answered capitally till the rain began to fall, when the unfortunate soldiers found themselves sleeping literally in water. The new camp is on a line of sand-hills nearer the shore, and less regular, but far more healthy and comfortable. In spite of the work and the rain, a few small parties have managed to get away into the bush to try their breech-loaders on the savages. Two or three men have thus fallen on both sides. On one occasion such a large party of savages jumped out upon six Japanese that they had to run, leaving one of their number on the ground. His head now decorates some savage hut. Let us hope that it will be the only trophy of the kind that the savages will gain in the war. The tribe against whom proceedings are carried on are supposed to be the actual murderers of the Lewchewans, and are called the Bawtan, or the "peony" savages.

There are two American officers here, Commodore Cassell and Colonel Wasson. Such, at least, is the rank which they bear while serving the Japanese. They seem to have had hitherto, in an unofficial way, the general direction of the expedition; and, unless they belie their reputation, they will do good service in the war. These two gentlemen the other day went, unattended by an escort, to a neighboring savage village to see the chief. It had been agreed that they should meet in the open country; but, the savages not appearing, the officers went on to the village. This was an act requiring more nerve and real courage than some dashing exploit on the battle-field. A peaceable arrangement was made, which included all the villages south of Langkiaou except one, which is to be punished for some act of hostility.

MAY 22.

This morning early the later sleepers among us were awakened by a salute of several guns. This announced the arrival of General Saigo, the commander-in-chief of the expedition. He came in the Delta, which also brought 1,200 troops. A Japanese gunboat came in at the same time, and an hour or two afterward the Shaftesbury, with 600 soldiers, raising the number to about 2,500. Three thousand are expected in all. The Delta is said to have been bought standing, with her fittings and stores, and apparently officers as well, for they are all on board, though a new captain commands her. A fine Chinese corvette, the Yang Woo, and a small gunboat, have also come in, bringing three Chinese mandarins from Taiwanfoo to visit the Japanese commander-in-chief. With the four Japanese vessels and Her Majesty's steamship Hornet, which have been here for some days, there are, therefore, ten steamers anchored together in the bay.

A small party of troops bivouacked last night in the mountains, about four miles away. Early this afternoon two men were seen coming in wounded. At the same time about one hundred men hurried off to take part in the fighting. They were in irregular detachments, apparently without any officers. They went along at a half run as eager and delighted as possible. Many of them were carrying their two-handed swords as well as rifles. The swords are awkward enough for scrambling through the bush; but the Japanese cannot bear to leave them behind, hoping that some time or other they may come up with the savages. If they do there will be fearful work. It is a common sight to see men employing their leisure moments in sharpening and re-sharpening their sabers or sword-bayonets. They think breech-loaders are excellent weapons for fighting at a distance, but they have a most blood-thirsty longing for hand-to-hand work.

MAY 23.

We hear this morning that the result of yesterday's fight was fifteen savages and six Japanese killed on the spot. A visit to the hospital showed ten wounded men there, one, and perhaps two, mortally hurt. The Japanese brought in all their men who were killed, and cut off and carried back the heads of the savages, which, however, were immediately buried. One of the savages killed was a chief, and in his pouch was found a quantity of percussion-caps; but he was fighting with a matchlock. The work was severe. The savages generally waited under cover, rising up suddenly and firing first, and then running away to take up a fresh position. In one place a slight stockade was erected across a ravine, and a stand was made there. The Japanese are extremely brave. The only fault to be found with them is that they are too regardless of their own lives, preferring to rush in rather than to adopt the savage tactics, and make the most of the cover.

The Chinese inhabitants are both delighted and astonished at this slaughtering of their enemies. They are on excellent terms with the Japanese, who, with equal justice and wisdom, pay well for everything they want. The Chinese do not well understand the big copper coins, but thoroughly appreciate the new silver currency.

The Chinese mandarins came on shore to-day, at noon, to see the commander-in-chief. They were received by a guard of honor of two hundred soldiers. The visit was very

short. It is not known what passed. The mandarins were not of sufficiently high rank for the Japanese to be willing to discuss anything of importance with them; and probably not much took place beyond an interchange of compliments.

We are having a sample of Formosa weather. In the morning, though the sea was quiet, still there was a surf which rendered care necessary in landing. This afternoon, in an incredibly short space of time, such a sea has got up that the two small gunboats are rolling almost gunwales under, and communication between the shore and the ships is a matter of real difficulty. Cloudy weather, with a mixture of drizzling rain and heavy down-pour, render fever and ague a too probable contingency.

The Japanese commanders do not want to have any more fighting for two or three days, fearing to frighten the enemy away. They wish to wait till they can attack from several quarters at once, and so have a chance of preventing the escape of the savages.

The Nepaul sails to-night for Nagasaki.

No. 157.

Mr. Henderson to Mr. Davis.

No. 32.]

UNITED STATES CONSULATE,
Amoy, June 6, 1874. (Received August 5.)

SIR: I have the honor to inclose copies of correspondence between Com. A. Kautz, U. S. N., and myself, on the subject of the Japanese expedition to Formosa and American intervention therein. Also copy of a notification which I have issued in co-operation with the United States naval forces on this station, hoping it will, in view of the peculiarity of attending circumstances, meet the approval of the Government, and maybe, for the time being, discourage Americans from having anything more to do with that enterprise.

I have, &c.,

J. J. HENDERSON.

[Inclosure 1 in No. 32.]

Mr. Henderson to Commander Kautz.

No. 20.]

UNITED STATES CONSULATE,
Amoy and Dependencies thereof, June 4, 1874.

SIR: I have the honor to state that I have received an official dispatch from the Chinese authorities of this province, informing me that the island of Formosa is a part of the Chinese Empire, and that the Japanese armed forces now at Liang Kian have entered that island in violation of law and their treaties.

They request me to prevent citizens of the United States from having anything to do with the affair, and say that they have demanded that the Japanese evacuate the island at once. I suppose there is no doubt but there are some Americans engaged in this business, and if so it is probably in opposition to the laws of the United States and our treaty obligations with China; and as United States consul charged with the execution of those laws and obligations over there, I respectfully request your co-operation and assistance in compelling them to desist.

If this suggestion accords with your sense of duty, we can hereafter determine what mode of procedure we will adopt.

I am, &c.,

J. J. HENDERSON.

[Inclosure 2 in No. 32.]

*Commander Kautz to Mr. Henderson.*UNITED STATES STEAMER MONOCACY,
Amoy, China, June 5, 1874.

SIR: I have the honor to acknowledge the receipt of your communication of the 4th instant, requesting my co-operation in compelling the Americans to leave the forces of the Japanese now in Formosa.

I have referred the matter by telegraph to the commander-in-chief of the United States naval forces on the Asiatic station, and will advise you of the nature of his reply as soon as I receive it.

I am, sir, your obedient servant,

A. KAUTZ,
Commander United States Navy.

[Inclosure 3 in No. 32.]

NOTIFICATION.

UNITED STATES CONSULATE,
Amoy and the Dependencies thereof, June 6, 1874.

Whereas the Chinese authorities of the Foh-kien province have informed me that a Japanese armed force has invaded the island of Formosa; that that island is a part of the Chinese Empire, and have requested me to prevent American citizens from taking part in the enterprise; also, that they have demanded of the Japanese forces its immediate evacuation; and

Whereas citizens of the United States in China are under the protection and subject to the jurisdiction and laws of their own country:

Now, therefore, I, the undersigned consul, charged with the care of American interests and the execution of the laws of the United States and treaty obligations with China in the island of Formosa, hereby notify and command all citizens of the United States to at once withdraw, and hereafter abstain from all enterprises unfriendly to the Chinese government, and to avoid all acts which are inconsistent with the said laws and treaty obligations.

Any citizen of the United States who shall refuse to comply with, or offend against, the provisions of this notification, shall forfeit the protection of the American Government.

J. J. HENDERSON,
United States Consul.

No. 158.

Mr. Seward to Mr. Davis.

No. 764.]

UNITED STATES CONSULATE,
Shanghai, June 16, 1874. (Received July 18.)

SIR: The telegram which I had the honor to dispatch to you on the 8th instant was sent at the earliest moment after I had received positive information that Mr. Cassel was in the service of the Japanese. It now appears that Dr. Williams had an earlier intimation of this fact from Mr. Bingham, and he has acted in the matter in such manner as to indicate that I am not singular in my opinion that Cassel should be withdrawn from the expedition. In order that you may see exactly what Dr. Williams's view is, I transmit herewith a copy of two dispatches of his, dated, respectively, the 5th and 8th of June; the former to Mr. Henderson, the other to myself.

I have transmitted the substance of Dr. Williams's dispatch to Mr. Henderson by telegraph.

I have not received an answer from you to my telegram of the 8th

instant. If such shall come, instructing Mr. Cassel to withdraw, it will save all questions with him and be a source of gratification to the Chinese. If it shall not come, Dr. Williams's instructions will probably accomplish all that is necessary.

There is no late news from Formosa. The most interesting matter since I last addressed you is contained in the inclosed translation of a dispatch from the imperial commissioner at Foo-Chow to the officer commanding the Japanese expedition.

I am, &c.,

GEORGE F. SEWARD.

[Inclosure in No. 764.]

[Newspaper extract from North China Daily News of June 14.]

Fukien, Viceroy, to Japanese General.

A dispatch from the viceroy of Chekiang and Fukien to the general in command of the Japanese forces in Formosa.

In reply to your dispatch, informing me that you had received imperial orders to land an army to admonish and punish the Seng Fan (unreclaimed aborigines) of Formosa, I had some time since the honor to reply thereto, requesting that you would withdraw your troops, bringing forward citations from international law in support of my demand.

Subsequently, on the 12th day of the 4th moon, I received information from the military intendant that the troops under your command had encamped themselves in the neighborhood of the stockade-town of Lang-chian-chai, in Fung-shan-hsien, and had engaged in a fight with the unreclaimed aborigines dwelling on Chinese soil. The intendant had deputed the "peace-reclaiming" Lieutenant-General Chen-chun-pang and the acting "Formosa-defense" Prefect Chwan-i-li, and others, to repair with all speed to the scene. On the 8th they had an interview with you, inquiring as to whether my first dispatch had reached you or not. You replied in the affirmative, and, further, mentioned that the expedition was based on the agreement made last year between the Fuh-Tan, minister of your great country, (So-ee-si-ma,) and the Tsung-li Yamen; also that an ambassador was at present being sent to Peking, to deliberate specially on the matter. That when instructions came from the capital a reply would be given; in the meanwhile the troops could not be withdrawn.

Further, on the 7th day of the 4th moon I received information that the consul for your honorable country at Amoy had visited the above-named military intendant, and personally informed him that the army would proceed to Lang-chian, for purposes of observation, and that your vessels of war would not be permitted to interfere with or give trouble to Chinese subjects, in order that the friendly relations of the two countries might be maintained. The intendant inquired as to the cause of this military movement, to which the consul replied that it was intended merely to give a slight admonitory warning and punishment to the aborigines, and that no violence would be done to Chinese soil.

The writer, on receipt of this information, was deeply impressed with the solicitude of your government to preserve the harmony of the two countries and to strengthen the bond of friendship previously existing. On hearing also that your sovereign's orders were couched in cordial terms toward China, being anxious by sinking all petty differences, to preserve the eternal friendship of the two nations, he (the writer) was further overjoyed beyond expression. Other reflections, however, compel me to convey to you intimations of a different character.

The treaty established between your honored country and my own is of recent date, and it was hoped that it would lead to amicable relations between us as limitless as the heavens and the earth. But in regard to this expedition, you are instructed by your sovereign to lead an army on territory under the dominion of China, and on soil subject to my government; while no instructions whatever have reached me from Tsung-li Yamen in regard to the matter. The movement on your part proceeds purely from lightly believing floating reports, and wrongly considering that the "Seng-fan" are not subject to Chinese control. Your action is in breach of international law, and in dereliction of the amicable treaty just established. The public opinion of China and foreign countries will necessarily proclaim you in the wrong.

Besides sending a copy of my first dispatch, I have now the honor to bring forward various unmistakable proofs, the result of investigation; firstly, of China's title to the

territory in question, and secondly, of the breach of international law and treaty stipulations of which you are guilty.

That the "Lang-chian" tribe—people, property and land—are under the control of China, there are various and incontrovertible proofs. I bring forward three.

1. Eighteen tribes of Southern Lang-chian have heretofore been tributary to the Fung-shan-shien. They pay each year "Fan" taxes to the extent of over 20 Tes, as the records of Fung-shan will show.

2. In Formosa are established two prefects of the north and south divisions with the sole duty of administering the "Fan" affairs. These officers each year repair to the interior and reward the Seng Fan with salt, cloth, and other articles.

3. Stockade City (Lang-chian) is also termed "Fuh-an-chieh;" in it is erected a monumental temple to the Minister and Duke Fuh-Kung Kang of our dynasty.

The proofs are numerous and irrefragible; the only thing is that, in consequence of difference of habits, our country has not yet been able thoroughly to bring the people within the pale of the law.

In reference to the treaty entered into between our countries, clause No. 3 says: The government affairs and laws of both countries have similarities and differences. Each nation is independent, and must not encroach upon or interfere with the affairs of the other. Now in regard to Formosa, "Seng Fans," they have been long tributary to China; that they have not been completely brought within the pale of the law is a question of administration; but according to treaty it is for China to regulate it, and your honorable country is not justified in interfering. Moreover, clause No. 1 states that the territories subject to each country shall not be encroached upon by the one or the other, but must be maintained inviolate by each respectively. Again clause 14 runs as follows: "Certain ports are laid down (for trade.) Japan shall not fight with her enemies at these ports, or in the adjacent seas." Since you are not permitted to fight with enemies in seas adjacent to China, your fighting actually on our territory and with our tributary tribes, would be naturally the more unjustifiable.

By disembarking and encamping, as you now have done, your troops in the neighborhood of Lang-chian, "Chai" town, where we have established border outposts, and by engaging in warfare with the "Fan" people, who have been in the habit of paying taxes to us, you are at variance, from beginning to end, with every article of the treaty. Presuming that another country were, in imitation of the example now started by your honored country, without previous consultation, to deliberately and suddenly order its generals to lead their armies, seize your soil, and kill your people, would your honorable country, I would ask, quietly submit to the act without question? If you will but only reflect you will, I am convinced, at once see the error of your ways.

According to information obtained from the military intendant of Formosa, I learn that you (the general in command) and the diplomatic-agent, Chin-Cheng, state that, at an interview between your ambassador and the Tsung-li-Yamen at Peking last year, it was mentioned that the "Seng Fan" were not tributary to China, that this expedition was then discussed, and is now being carried out in accordance thereto. It will be found that in the case of all treaties hitherto established between China and other countries high ministers and ambassadors, each accredited with full powers, have, in accordance with their respective imperial instructions, arranged the terms of the treaty containing a special article making known the accredited powers held by each. The ministers on both sides affix their seals and signatures to the covenant, but not until the imperial signatures of both countries are added is the treaty finally published, or does the same come into force. Now, in respect to the assertion that the matter had already been agreed to by the Tsung-li-Yamen, was an agreement or treaty drawn up in accordance with the rules established in such matters? Were the seals affixed thereto, or have you no official letter, a proclamation, or any interchange whatever in writing, by which to attest your statements? On my part, I have received no intimation of any kind from the Tsung-li-Yamen, but I presume that you, when receiving orders to conduct a distant campaign, must have been instructed minutely on all subjects. If, therefore, a covenant was really entered into at the time mentioned, I beg that you will give me a draft-copy of the stipulations entered into, and it will then be my duty to allow you to act in accordance thereto. But if at the period named no written proof of a satisfaction was drawn up, it becomes my duty to request that you will withdraw your troops, return to your country, and no longer encamp your soldiers on territory under the sway of China, in order that treaty obligations be conformed to.

It would appear that your government, in consequence of the "Seng-Fan" having on two occasions killed and molested subjects under distress, has therefore ordered this expedition to enter the Fan country, to execute the parties implicated, and thus to insure a non-repetition of former atrocities. In regard to the first, it is a case of subjects of our own tributary county of Chung Shaou (comprising Sin-Chin) meeting with disaster at sea and being murdered by the Seng-Fan. This is a matter concerning the writer, whose duty it is to order the mandarins of the locality to deal severely with the case; there is no necessity for you to interfere. In regard to the other four subjects, Lipah and others of your province of Peichung, who were merely robbed and not

murdered, this is also a case for me to deal with, according to the eighth article of the treaty, stating that cases of robbery, &c., are to be inquired into and judged by the local authorities. Strict injunctions will be given to the said officers to apprehend and punish the guilty parties with the same equity as if Chinese had been the victims. The officers will be open to censure in the event of remissness, and no fear need be entertained of their trifling with instructions. There is, therefore, no necessity for your troops to weary themselves, and entail expense by a protracted stay in Formosa.

In thus addressing you again, expounding in incisive terms the obligations of treaty stipulations, I am influenced by a desire to preserve the harmony of our two nations.

Your present action, considered from the light of ambassadors of all foreign countries residing at Peking, down to the public opinion of the people of China and foreign countries, will be condemned as unjustifiable, and I feel convinced that with the interest of your country at heart, you will, when aware of the error committed, at once change your schemes and withdraw your soldiers to your own country, in order to avoid the censure of the world and to preserve amity between our countries. An important dispatch.

[Inclosure 2 in No. 764.]

Mr. Williams to Mr. Henderson.

LEGATION OF THE UNITED STATES,
Peking, June 5, 1874.

SIR: I have been credibly informed that two American citizens, Douglas Cassel and James R. Wasson, reported to me also as holding commissions in our navy and army, are actually engaged in an armed expedition sent by the Japanese government to punish certain acts of violence committed some time since by the aborigines living in the island of Formosa, upon the crew of a vessel under the Japanese flag; and that both of them have left Japan to aid in the purpose thus openly declared of landing in Formosa.

So far as I can ascertain the consent of the Chinese government has never been formally asked or obtained by the Japanese government to land anywhere in the island of Formosa for the purpose of punishing the aborigines, a region which is claimed by the Chinese as an integral portion of their dominions, and has been so acknowledged by all nations.

I have just heard that part at least of the expedition put in at Amoy for supplies, and after remaining awhile sailed for the southern end of Formosa, where an unopposed landing was effected. Some acts of violence were, it is said, committed by the Japanese upon the unoffending inhabitants or aborigines in that region, which, it is admitted, is not the part of the island where the alleged outrage on the shipwrecked crew was perpetrated.

However this may be, for my information is not precise, this enterprise of the Japanese within the territory of the Emperor of China is one which is not recognized by this Government, and therefore one which no citizen of the United States can lawfully aid, as it is in violation of the peace which now exists between this and his own government. Even if these two men are employed in the military service of the Japanese, that does not permit them to engage in what must now be regarded as an unlawful proceeding, even if it is not really a filibustering expedition.

This being the case, as far as I am now informed, I wish you, as soon as you can, to warn Mr. Cassel and Mr. Wasson that they are doing acts in violation of the peace existing between the United States and China, and require them to desist immediately, and retire from the expedition, under penalty of arrest and trial for those acts. They will not pretend that they have the consent of their own government, or any of its officers, to aid in hostilities with China, but it may be they have been told that the expedition is not really against China, because she does not exercise jurisdiction over the whole of Formosa, and these aborigines always have been quite independent of her control, and it is in their territory only that the Japanese intend to land. These ideas cannot now be alleged in excuse, if it be true that the Japanese government has itself countermanded the expedition for reasons best known to itself.

The appointment of Chin Pao-ching as imperial commissioner to go to Formosa to arrange this affair will, I hope, be a wise selection, and that he will adjust all difficulties; but you will give this warning to Mr. Cassel and Mr. Wasson, and to any other Americans who may be connected actively with the expedition, if they are within your jurisdiction.

I am, &c.,

S. WELLS WILLIAMS.

[Inclosure 3 in No. 764.]

*Mr. Williams to Mr. Seward.*LEGATION OF THE UNITED STATES,
Peking, June 8, 1874.

SIR: I have received your dispatch of the 30th ultimo, No. 366, with inclosures of copies of a letter from Minister Bingham, and your circular letter to the southern consuls, both relating to the Japanese expedition to Formosa.

I received a letter from Mr. Bingham of the same date as yours, and have informed the foreign office of his action in stopping the steamer New York, and urging the Japanese government to detach the American officers engaged in the expedition. The information respecting this whole affair in their possession was somewhat erroneous, and they were under the impression that the New York was a man-of-war, and Messrs. Le Gendre, Cassel, and Wasson were the leaders and commanders of the expedition.

I inclose a dispatch for Mr. Henderson, of Amoy, which may strengthen your circular in showing that the enterprise Mr. Cassel and Mr. Wasson are engaged in, is one which they cannot lawfully aid. I trust they will have already left it before the dispatch reaches Amoy.

The Chinese government will be much re-assured to learn that the United States authorities are determined to take all proper measures to restrain Americans from assisting this Japanese invasion of Formosa, consistent with treaty obligations; but they have exhibited so much hesitation in their action that they have missed the full effects it would have had upon the local officials at the ports, if these latter had early been informed how the expedition was regarded.

I think their own want of precise information had something to do with their inaction, and I made it a reason for urging them to set up a telegraph-wire between the capital and southern provinces, by which they could learn such things sooner. It will be the most intelligible argument to them for encouraging the telegraph, when they begin to see their awkward position in an affair like this, because they have it not.

I am, &c.,

S. WELLS WILLIAMS.

No. 159.

Mr. Seward to Mr. Davis.

No. 766.]

UNITED STATES CONSULATE-GENERAL,
Shanghai, June 23, 1874. (Received August 5.)

SIR: Referring to Mr. Henderson's dispatch, No. 32, I have the honor to inform you that his notification appeared to me to indicate a failure to appreciate our responsibility in this matter of the Americans connected with the Japanese expedition, and of the law applicable as a remedy. I therefore addressed him a letter, copy of which I inclose.

At a later moment the inclosed telegrams have passed between Mr. Henderson and me. I have no idea that the request indicated in Mr. Henderson's message was made only to him, and I do not believe that any good would have come of his interference.

I am, &c.,

GEORGE F. SEWARD.

[Inclosure 1 in No. 766.]

Mr. Seward to Mr. Henderson.

No. 157.]

UNITED STATES CONSULATE-GENERAL,
Shanghai, June 17, 1874.

SIR: I have received for transmission to Washington your dispatch No. 32, inclosing copies of letters which have passed between Commander Kautz and yourself, and a copy of your notification of the 6th of June.

It occurs to me that the final clause of your notification is not sufficiently stringent. As the Chinese government has by treaty yielded up jurisdiction over our people so that it cannot punish them even by fine, it is obligatory upon us to deal with them. In this connection I refer you to a dispatch of Mr. Marshall to Mr. Marcy, of November 25, 1853; the same to Mr. Cunningham of November 1, 1853; Mr. Cushing to Mr. Marcy September 19, 1855, and Fitz Roy Kelly and James Stephen, opinion, May 22, 1862.

And in regard to the actual provisions of law violated by our people in entering the service of the Japanese upon this expedition, I refer you to the act of 20th April, 1818.

For all practical purposes *quoad* Americans, the jurisdiction of the United States is extended to all parts of the Chinese Empire, and that act may, I think, be as rigidly enforced in China as within the territory of the United States.

What I write to you in these matters is of course advisory only, and always subject to revision by the legation.

I am, &c.,

GEORGE F. SEWARD.

[Inclosure 2 in No. 766.]

[Telegram.]

Mr. Seward to Mr. Henderson.

HENDERSON, *Amoy* :

Answer the Viceroy in a very friendly way, but avoid assuming any prerogative.

SEWARD.

SHANGHAI, *June 20, 1874.*

[Inclosure 3 in No. 766.]

[Telegram No. 317.]

Mr. Henderson to Mr. Seward.

AMOY, $\frac{20}{6}$, 1874, 10h. 10m. a. m.

SEWARD, *Shanghai* :

Viceroy quotes first article treaty of '58, and asks me to assist imperial commissioner to peaceably settle trouble with Japanese. Can I act?

HENDERSON.

No. 160.

Mr. Seward to Mr. Davis.

No. 768.]

UNITED STATES CONSULATE-GENERAL,
Shanghai, June 23, 1874. (Received August 5.)

SIR : I have the honor to inform you that the first formal assent to construct a telegraph on Chinese soil has just been accorded to the Great Northern Telegraph Company by the Viceroy of Fohkien. The line will be run from Foochow to the anchorage twelve miles below.

I believe that Mr. DeLano contributed largely to this success. The manager of the company called on me yesterday to state the fact, and to say that he considers the company largely indebted to Mr. DeLano.

I am, &c.,

GEORGE F. SEWARD.

No. 161.

Mr. Henderson to Mr. Davis.

No. 36.]

UNITED STATES CONSULATE,
Amoy, June 23, 1874. (Received August 16.)

SIR: On the 19th instant I received a visit from the Chinese Admiral Lec, and Taotai Chain, of Foochow, the latter bringing me a letter from the Viceroy on the Formosan difficulty, an extract from which is herewith inclosed.

Their business was to thank me for the friendship I had manifested, as they said, towards the Chinese government in ordering Americans to withdraw from the Japanese expedition to Formosa; to see if some further action would not be taken on their cases, and especially to ask me to go to Formosa and assist them in bringing matters to a peaceable understanding with the Japanese commander-in-chief, in this connection calling my attention to the first article of our treaty of 1858. They seemed to think that Mr. Le Gendre, an American, had planned and was managing the expedition, and therefore it was my duty to assist in getting the Japanese away. I reminded him that whatever Mr. Le Gendre or other Americans had to do with the affair was by authority of the Japanese government and not the United States. The Taotai, with much apparent confidence, desired my opinion on the merits of the questions between China and Japan. I replied that it would not be proper for me to express an opinion on that part of the subject; but having received instructions from the United States legation at Peking, I was now prepared to warn all Americans to withdraw from the expedition under penalty of arrest and trial for violating the neutrality laws, and as soon as an opportunity was offered I would send them word to that effect. (The admiral having promised to furnish a gunboat for that purpose, it was agreed that a messenger should be sent to Formosa to give the requisite notice as soon as a ship could be got in readiness.)

What I had done in the matter I considered to be nothing more than my duty, and I was entitled to no thanks for it. As to my going with them to see the Japanese commander-in-chief, I thanked them and the Viceroy very much for the high compliment they paid me in asking me to perform so important an office, but I thought it would be inconsistent with my official station to act in that capacity, and in no event could I do so without express instructions from my own Government. I thought it certainly the interest of every nation to preserve peace between China and Japan.

At that time I attached no particular importance to this request, but when, two days after, it was renewed by them with much importunity, with the offer to place a man-of-war at my disposal and give me every facility for comfort and convenience, I telegraphed the fact to Mr. Seward for instructions, and was advised by him to answer the Viceroy in a friendly way, but to assume no prerogatives.

I presume nothing could be accomplished by complying with their request, even if there were not more potent objections. I shall, therefore, do nothing inconsistent with a strictly neutral course.

To-day I dispatched a messenger, per China steamer, with instructions to go to the Japanese camp and serve personally Messrs. Cassel and Wasson, and any other American found taking part in the expedition, with a notice to withdraw, under penalty of arrest and trial for violating the law of neutrality.

I also inclose to each of the gentlemen named a dispatch to the same effect.

The best information I can get leads me to believe that Mr. Le Gendre has not been, and is not now, in Formosa, but he is in Japan directing the affair. The Chinese officers seem to blame him more than any other one person, and are very anxious he should be at once stopped from having anything to do with it, even as adviser.

The Japanese openly avow an intention to remain in Formosa and occupy the savage territory, and report that the greater part of its inhabitants have already surrendered to them with this understanding, but say they have no desire to interfere with that part of the island belonging to China. It is my opinion, however, that in the event of a declaration of war by China, they will, if possible, take possession of the whole place, including the treaty-ports.

I have, &c.,

J. J. HENDERSON.

[Inclosure in No. 36.]

The Viceroy to Mr. Henderson.

[Extract.]

JUNE 9, 1874.

Now, we have investigated this Formosa business, as well as the statements of the Taotai of Formosa, and the captain of the Yang Boo, to the effect that this expedition to the savages of Formosa has been planned by the former consul at Amoy, Le Gendre; also, one Cassel and many others were assisting, &c. We have also examined and found that Formosa has long belonged to China, and the savages are certainly under Chinese jurisdiction, and other nations have nothing to do with them. On this occasion Japan has sent soldiers to punish the savages without previous consultation with the foreign office and the Japan commander-in-chief, Hiang, without awaiting a communication from me, on his own motion took soldiers and formed a camp at Liang Kian, in entire violation both of international law and the treaty between China and Japan. We twice sent communication to Hiang, Japan, commander-in-chief, requiring him to take back his soldiers, and twice sent communication to the board of trade to be forwarded to your honorable self to be examined and acted on, all which is on file.

We have received your dispatch in which you show your desire to carry out treaty obligations, and in settling matters to preserve lasting peace and friendship, as well as you purpose to perform your duties, for all which we desire to express our hearty thanks.

We have appointed Chian, second in the board of trade, having rank of Taotai and formerly acting prefect of Foochow, to go to Amoy, and have sent a communication to Li, Admiral at Amoy, telling him to await the coming of Chian, and then with him have a consultation with the United States consul, and with him concert some plan of action. And in accordance with the provisions of article 1 of the treaty of the eighth year of Heinfung, (1858,) that the two countries shall mutually assist in preserving friendly relations, we ask your honorable self to request the Japanese commander, Hiang, to take his soldiers back to Japan.

And if in the vessels that are gone to Formosa there are any citizens aiding the Japanese, we ask you to punish those that are acting improperly, whether on land or sea, in accordance with the eleventh article of the treaty and the laws of your country.

From the time when your honorable self arrived in China you have always managed affairs in strict accordance with right; so that the streets are full of praises of yourself by rulers and people, and we ourselves are truly thankful.

Now that there are affairs in Formosa over which you are consul, you can show your friendly feelings by acting in accordance with treaty, by taking measures in connection with Admiral Li and Prefect Chian. Thus can you show friendly feeling.

We have sent a communication to Admiral Li, and also one to Prefect Chian, ordering him to go to Amoy and arrange the whole affair with you, for which purpose we give them full powers. And we request you to act with these two, not only as officials, but as friends.

Hoping thus, with best regards.

To Mr. HENDERSON,

United States Consul, Amoy and Formosa.

No. 162.

Mr. Seward to Mr. Davis.

No. 788.]

UNITED STATES CONSULATE-GENERAL,
Shanghai, July 21, 1874. (Received September 11.)

SIR: I have the honor to inclose to you further extracts from the North China Daily News, in regard to the Formosa expedition. Two of these are taken from the issues of the 5th and 7th of July, and give brief statements, the one by a Japanese, and the other by a Chinese correspondent, of the diverse views held in regard to the expedition. Two others are from the issue of the 14th of July. The one sets forth the strength of the Japanese navy, the other remarks upon the activity shown at the Shanghai arsenal.

The Chinese have available six vessels which have been constructed here. Four of these are gunboats of six hundred tons, more or less. Two are heavy frigates. They have also some fifteen vessels constructed at the Foochow ship-yard. These are mostly gun-vessels of one thousand tons; are all new and steam well. They have still other craft, which have been used in the different provinces for revenue purposes and in cruising after pirates. I should say, roughly, that the number of these vessels is six or eight. They are small, but would be useful in a contest with the Japanese.

In point of fact, the Chinese navy is probably to-day well able to cope with the Japanese, notwithstanding the advantage the latter have in the possession of two iron-clads. These latter are inferior vessels, imperfectly clad, and with indifferent steaming capacity.

The extract of the 15th July gives a letter from the Japanese consul at Amoy to the Taotai at that port; and that of the 17th, a letter from a foreign correspondent in Formosa, which speaks favorably of the occasion of the expedition and its management. The extracts of the 21st give some desultory information of no particular interest.

* * * * *

After Mr. Dreyer, of the telegraph company, had left Shanghai on this mission, I learned privately from Mr. Sheppard, our active officer at Tien-tsin, that the Chinese commissioner to Formosa had, among other things, recommended the establishment of a telegraph between Foochow and Formosa. This I communicated to Mr. Dreyer by telegraph, and, as a consequence, he visited Formosa, and has made a contract with the commissioner for the cable and the dependent land lines at each end. The cable will be about ninety miles long, the Formosa land line two hundred, and the Foochow end about fifty. This contract remains to be approved by the telegraph company at Copenhagen. The assent of the Chinese government has, I believe, been given already.

The present moment seems opportune for the creation of telegraph facilities between this and Peking. I have urged Mr. Dreyer to proceed thither at once, have asked Mr. Sheppard to do what he can with the Viceroy Li, and suggested the matter to Doctor Williams.

I am, &c.,

GEORGE F. SEWARD.

[Inclosures in No. 788.]

[From the North China Daily News, July 14, 1874.]

NAVAL FORCES OF JAPAN.

We are enabled to give the following particulars about the Japanese navy, taken from a statement which was drawn up by a competent authority, about the end of last year:

Rio-jio-kan, wooden corvette, screw-steamer; 280 horse-power; length, 215 feet

greatest breadth, 33 feet; draught, $17\frac{1}{2}$ feet. Protected by a girdle of 4-inch iron plates, $3\frac{1}{2}$ feet above and 4 feet under the water-line, about 15 feet fore and aft being without armor. Carries 12 cast-iron rifled guns, muzzle-loaders, 10 of which have a caliber of $5\frac{1}{2}$ inches and 2 of $6\frac{1}{2}$ inches. The greatest speed of this vessel is 9 knots, and for this reason, as well as for the insufficiency of its armor, it may be a match for a wooden vessel of the same strength, but would have no chance whatever against the most ordinary iron-clad. This vessel visited Shanghai last year.

Nishin-kan, wooden corvette, screw-steamer; 250 horse-power; length, 201 feet; greatest breadth, 29 feet; draught, 14 feet; carries 6 cast-iron guns of about $5\frac{1}{2}$ inches and 1 Armstrong muzzle-loader of 7 inches. She is said to be a fast and serviceable vessel, and is, we believe, the one now in port.

Tsukuba-kan, wooden corvette, screw-steamer; 200 horse-power; length, 197 feet; greatest breadth, $29\frac{1}{2}$ feet; draught, 15 feet; carries 6 steel Armstrong guns of 5 inches, 2 cast-iron guns of about the same caliber, and 2 smaller bronze guns of native fabrication. This vessel is very old and used up; her greatest speed not more than 6 knots.

Kusuga-kan, wooden paddle-steamer; 300 horse-power; length, 243 feet; greatest breadth, 27 feet; draught, 11 feet; carries 4 bronze guns of 5 inches, 2 cast-iron guns of about the same caliber, and 1 Forbes gun of 7 inches.

Ho-shio-kan, compound-system gunboat, screw-steamer; 75 horse-power; length, 145 feet; greatest breadth, $22\frac{1}{2}$ feet; draught, 7 feet; carries 1 Armstrong breech-loader of 7 inches, 1 idem of $5\frac{1}{2}$ inches, and 2 small steel guns.

Mo-shuim-kan, wooden gunboat, screw-steamer, of about the same dimensions as the preceding; carries 1 Forbes muzzle-loader of 7 inches, 1 Armstrong muzzle-loader of $5\frac{1}{2}$ inches, and 2 smaller Armstrong guns.

Dai-itchi-Teibo-kan or Teibo I, wooden gunboat, screw-steamer, 60 horse-power; length, 132 feet; greatest breadth, 22 feet; draught, $7\frac{1}{2}$; carries one cast-iron gun of $6\frac{1}{2}$ inches; 1 Krupp gun of $5\frac{1}{2}$ inches; and 2 small steel guns.

Dai-in-Teibo-kan or Teibo II, same construction and dimensions as the preceding; carries 2 Armstrong muzzle-loaders of $6\frac{1}{2}$ inches, and 2 small steel Forbes guns.

Un-yo-kan, wooden gunboat, screw-steamer, about the same dimensions as the preceding; carries 1 rifled muzzle-loader of about 6 inches, 1 of about 5 inches, and 2 small Armstrong guns.

Chiotagata-kan, small wooden gunboat, screw-steamer of 40 horse-power; carries 1 breech-loader of $5\frac{1}{2}$ inches, and 2 small guns.

Kotetz'en, iron-clad ram, screw-steamer, with two propellers 500 horse-power, length 158 feet, greatest breadth 27, draught, 13 feet; carries 3 very large and 2 smaller guns. This ram is old and completely unseaworthy; in fact last year it was not considered as belonging to the active navy any more. As, however, it may, perhaps, still be fit for defending the entrance of a harbor, we have not felt justified in omitting it.

Latest advices from perfectly reliable sources fully confirm the unseaworthiness of this ram, and further inform us that the other so-called iron-clad, the Rio-jio-kan, is undergoing boiler repairs, which cannot be finished for a considerable time. The gunboats are said to be generally in good order.

The Japanese have, moreover, five or six transports, not at all or insignificantly armed; two of these are sailing-vessels.

As we said at the beginning, these particulars have been taken from a statement drawn up at the end of last year, but they may stand even now, as we hear that no additions of any importance have been made to the Japanese navy since that time.

The actual strength of the active navy of Japan would, therefore, be as follows:

Name.	Description.	Horse-power.	No. of guns.	No. of crew.
Rio-jio-kan.....	Iron-plated corvette, screw-steamer.....	280	12	275
Nishin-kan.....	Wooden corvette, screw-steamer.....	250	7	145
Tsukuba-kan.....	Wooden corvette, screw-steamer.....	200	10	180
Kasuga-kan.....	Wooden corvette, paddle-steamer.....	300	7	125
Ho-shio-kan.....	Compound-system gunboat, screw-steamer.....	75	4	70
Moshuim-kan.....	Wooden gunboat, screw-steamer.....	75	4	70
Teibo I.....	Wooden gunboat, screw-steamer.....	60	4	60
Teibo II.....	Wooden gunboat, screw-steamer.....	60	4	60
Un-yo-kan.....	Wooden gunboat, screw-steamer.....	60	4	65
Chiotagata-kan.....	Wooden gunboat, screw-steamer.....	40	3	35
Kotetz'en.....	Iron-clad ram, double-screw steamer.....	500	5	135
Total (11).....	.....	1,900	64	1,220

JULY 15.

Dispatches re Formosa.

A copy of a reply addressed to Lo Taotai at Foochow, by Mr. Fukushima, His Imperial Japanese Majesty's consul for Amoy.

AMOY, June 17, 1874.

I have the honor to inform you that I returned to Amoy to-day, the 17th of the month, from Formosa, and received your letter of the 21st of the 4th moon, (Chinese calendar,) in which you state that you had been informed by his excellency Li, the viceroy of Fohkien, on the 18th of your 4th moon, touching the subject of his excellency's official letter addressed to his excellency Saigo, commander-in-chief of the Formosan expedition, and requesting me to communicate the matter to Mr. Shinagawa, consul for Shanghai, &c. I fully comprehend the position, and beg to say that I do not consider such a matter can be treated by us, but that it is a subject for the commander alone to decide as he sees fit when he receives the viceroy's dispatch. From my personal experience in the Formosan territories, through which I lately traveled, and partly also from my opinion of the circumstances under which our commander has invested the country of the savages by special instructions from his Japanese majesty, I apprehend that there would be found some difference in the views of our commander from those entertained by the viceroy, as expressed in his excellency's letter.

For instance, as regards the territories which are occupied by aborigines, and which have long been claimed to be under the control of your government, I would remark that I put a few questions to the aborigines as to whether their territory as well as themselves had ever been subject to the sovereignty of China. They said "they had not," and substantiated their denial in an especial manner by showing that their taxes are paid only to their chief. They maintain that they have never been under the control of the Chinese government. It seems to be their custom to quarrel and even fight furiously with each other, taking possession of ground by force and robbing each other, up to the present time, there being no authority to execute impartial justice or to exercise control over them.

I would here mention an instance in which they lately applied to our commander, begging for his adjudication in a question respecting a right of property in ground, which had been contested for forty years. In disposition they seem to be amicable, though they are generally reckless and of a morose temperament, never getting rid of a sense of injury when despoiled of their property by wicked people, from whom they suffer on account of their having no proper court in which to make complaint.

They regarded therefore with extreme satisfaction the approach of our invading party. Placed as they were, it was as if they had met a light on a dark night, and they showed every kindness by helping the army to their utmost and begging protection from us, which seems to show that they were much gratified by the entrance of the invaders within their boundary, and that they preferred them to any others.

I therefore think that our commander confidently believes that those savages as well as their territories have never been under the sovereignty of your government, and under the special instructions he holds from his Japanese majesty is daily exerting his energies toward reducing them to a proper condition. His commission, however, extends only to military affairs, and is limited to the measures necessary in reference to the savages. Consequently, I think, he could do nothing in the matter, nor even discuss with his excellency the viceroy the question as to the jurisdiction of your government, over that territory, this being a subject which ought to be left to the decision of our respective governments.

From my private considerations of this affair, I would express the hope that your high commissioner or authorities will negotiate it in an impartial and amicable spirit with our minister, and thus continue our friendly relations on a permanent footing.

I have, &c.

No. 163.

Mr. Seward to Mr. Davis.

No. 797.]

UNITED STATES CONSULATE-GENERAL,
Shanghai, August 11, 1874. (Received September 17.)

SIR: I have the honor to inclose to you herewith a series of telegrams that have passed between the consul at Amoy and myself, showing the arrival of General Le Gendre at Amoy, his arrest, &c.

It is notorious that General Le Gendre has a special concern in the

Japanese expedition to Formosa. You are aware that, during the time of his service as our consul at Amoy, he made many visits to the island. At a later moment he appeared in Japan, "having a very full and complete set of maps, charts, photographs, &c., of the coast, mainland, and people of Formosa" (Mr. De Long to Mr. Fish, No. 302, November 6, 1872.) He was then brought into communication with the Japanese government, and there followed negotiations for his employment by that government, "with a distinct reference to the use of his services as an adviser in military operations, should they become necessary." (Mr. Fish to Mr. De Long, No. 164, December 30, 1872.) The military operations here referred to would appear to be those since undertaken in Formosa, ostensibly to punish savage inhabitants of the island for alleged maltreatment of shipwrecked Japanese. This matter is thus spoken of by Mr. Low, in his dispatch No. 264, of June 13, 1873:

There are, he says, (the Japanese ambassador,) only two questions of importance which he desires to discuss with the Chinese government.

First. Whether China is responsible for the acts of the aborigines on the island of Formosa. If the government answers this question in the affirmative, he will then demand redress and indemnity for the murder of some natives of Loochoo, who were wrecked there a year and more ago. If the answer be given in the negative, notice will be given that Japan proposes to send a military force to Formosa, to chastise the savage and semi-civilized tribes that practically hold undisputed possession of a large part of the island, and, as there are no safe harbors on that part of the island where the aborigines reside, permission will be asked to land troops at one of the ports open to trade, and to march them through Chinese territory that lies between the ports and the points where the troops are intended to operate against the savages.

Second. To ascertain the precise relations between China and Corea, &c.

General Le Gendre was associated with the ambassador on this mission. (See Mr. Low's letter, No. 256, May 13, 1873.)

It has been reported that the Chinese disclaimed responsibility for the acts of the Formosan savages.

It has been reported again that they agreed to take some steps to restrain them for the future. At any rate, in the early part of this year, the Japanese set on foot an expedition to Formosa of an extensive character. My several dispatches in regard to it have laid before you all the general information which I have gathered, and will have demonstrated that it was not intended for a raid against a few scattered miserable savages.

That expedition sailed from Japan in the middle of April. The southern part of Formosa, from sea to sea, was at once occupied. The savages were encountered and beaten in conflict or driven into inaccessible mountains. Long since the ostensible purposes of the expedition were accomplished, but the Japanese still remain. They have put up houses of such description as warrant the belief that they are intended for permanent occupation. They have constructed a few roads where their utility for military purposes is not manifest. It is said that large numbers of troops are massed near Nagasaki, ready to be moved in case of the outbreak of war. Meanwhile the Chinese, who beyond a doubt would be glad to see the Japanese evacuate the island and let the matter drop, have been in negotiation with Japan, and, as if in anticipation of war, have mobilized large forces and are everywhere preparing for war.

Of the view which the United States representative at Peking takes you are doubtless informed. I may, however, quote from his dispatch to me of June 17 last:

I suppose my instructions to Mr. Henderson have reached you in passing, and I have therein given my views of the countenance and aid which our countrymen are affording

to the Japanese. It is our duty to maintain the peace existing between this empire and our own country, and these men are violating that peace, and must be restrained if it can be done. The first article of the treaty gives one of its chief obligations and its infraction by their assisting an armed invasion of Formosa needs no proof, now that the real nature of that expedition has been shown. It seems to me that all right-minded people thus engaged must now see that the Japanese are using them in carrying out hostile designs, and that their presence militates against the honor and obligations of the United States.

The persons more particularly referred to in this extract are Messrs. Cassell and Wasson, citizens of the United States, who are now actually in the Japanese camp in Formosa.

It would seem as if it had been the intention of General Le Gendre to accompany the expedition.

Under date of the 18th of May the United States minister at Tokei wrote to me as follows :

From information recently received I deem it proper to say to you that before any expedition left Japan for Formosa, or any other portion of China, viz, on the 18th and also on the 19th of April, I made written protest to the minister for foreign affairs against the employment by Japan of any ship or citizen of the United States in an armed expedition against Formosa until the written consent of China thereto should have been first obtained by the government of Japan. On the 22d of April, and while the expedition still remained in port at Nagasaki, I received from the minister for foreign affairs a dispatch, in which he said that in compliance with my request the steamer New York and Messrs. Le Gendre, Cassell, and Wasson, citizens of the United States, had been detached from this service.

What better evidence could be adduced to show that the moment for the use of General Le Gendre's services, "as an adviser in military operations," had arrived ?

Messrs. Cassell and Wasson did go to Formosa. The New York did not go. A vessel chartered from British subjects did not go, a similar notice having been sent to the Japanese government by the British minister. General Le Gendre also remained behind. Public report says that he was at Nagasaki on or about the date when the expedition sailed and engaged in promoting its departure. When the New York, a Pacific mail-steamer, was detached, he appeared at the Pacific mail agency and complained violently of her withdrawal, believing apparently that it was the act of the company. From the inception of the scheme for an invasion of Formosa on the part of the Japanese there are, then, numerous proofs to connect him with it and to establish the proposition that he has promoted it.

The first intimation that I had of his departure for the scene of operations came to me by Mr. Henderson's telegram of the 5th instant. Called upon to act promptly, lest the opportunity might be lost, I did not hesitate to advise his arrest. It remains now to determine whether there is a case against General Le Gendre which will justify me in prosecuting him for a breach of the neutrality act.

* * * * *

General Le Gendre remains at Amoy, and I am using my best endeavors and judgment to determine whether it is possible or right to hold him longer, having due regard to law and international obligations. I confess that the conclusion is forced upon me that I have no means open to me to prevent his going on to Formosa and there taking up arms against the country upon whose soil he now is.

Writing, as I do, at the last moment before the departure of the mail, and having had but little time to give to the consideration of the subject, I am unwilling to decide hastily what should be done. I should be sorry to think that you might see in my course any lack of regard for the rights of the individual. I should, however, be more sorry to

fail in regard to the rights of the great empire upon whose soil I stand, and which has deputed to our Government certain duties which cannot be too faithfully and impartially discharged.

I have, &c.,

GEORGE F. SEWARD,
Consul-General.

[Inclosure in No. 797.]

Telegraphic correspondence with consul at Amoy.

[Telegram No. 78.]

• AMOY, 5, 8, 1874, 6 a. m.

SEWARD, *Shanghai* :

Le Gendre arrived here to-day, I presume en route to Formosa. What instructions from Peking?

HENDERSON. [SEAL.]

SHANGHAI, *August 5, 1874.*

HENDERSON, *Amoy* :

Arrest Le Gendre, if possible, without collision with Japanese. Advise and ask aid Stanton and Chinese. Report.

SEWARD. [SEAL.]

[Telegram No. 89.]

AMOY, 6, 8, 1874, 11.30.

SEWARD, *Shanghai* :

Le Gendre is under arrest. What shall I do with him?

HENDERSON. [SEAL.]

SHANGHAI, *August 6, 1874.*

HENDERSON, *Amoy* :

Hold Le Gendre for instructions from Peking. Take every precaution against his escape. Treat him considerately.

SEWARD. [SEAL.]

[Telegram No. 117.]

AMOY, 7, 8, 1874, 11.50 a. m.

SEWARD, *Shanghai* :

Le Gendre wishes me to send him to Shanghai.

HENDERSON.

Answered August 8, 1874 :

Le Gendre's request appears reasonable. In case you send him, send all possible evidence and Williams's dispatches.

SEWARD.

[Telegram No. 130.]

AMOY, 7, 8, 1874, 2.35 a. m.

GEO. F. SEWARD,

United States Consul-General, Shanghai :

No legal advice here. I consider it unfair to keep me here; would like to go to Shanghai. Mr. Henderson has referred the matter to you. Can you comply with my request?

LE GENDRE.

No. 164.

Mr. Fish to Mr. Seward.

No. 409.]

DEPARTMENT OF STATE,
Washington, August 26, 1874.

SIR: The Department is in receipt of your dispatch, No. 766, of June 23, ultimo, referring to Mr. Henderson's No. 32, and inclosing copies of your correspondence with him concerning the assistance asked of him by the Chinese authorities in reference to the expedition to Formosa. By the same mail Mr. Henderson's No. 32, containing a copy of his notification to the Americans said to be engaged in the expedition, was received.

In your letter to Mr. Henderson you pronounce the final clause of his notification not sufficiently stringent, and refer to the provisions of the act of 1818. A copy of Mr. Henderson's notification is annexed.*

While this Department agrees that it is the obligation of this Government promptly and effectively to punish offenders against the law who may be American citizens, whether in China, or in Japan, or elsewhere wherever the laws of the United States may be enforced, at the same time there must be some actual violation of law to justify an interference.

The Government does not attempt to impose restrictions upon individual enterprise or commercial ventures of American citizens which involve no violation of law.

An examination of Mr. Henderson's notification shows it to have been issued in his official capacity as consul, on a complaint made to him by the Chinese authorities. It is addressed to all citizens of the United States, who are commanded to at once withdraw, and thereafter abstain from, all enterprises unfriendly to the Chinese government. It declares that any citizen of the United States who shall refuse to comply therewith, or who shall offend against its provisions, shall forfeit the protection of the United States.

This Department is at a loss to discover the power or right of the consul to issue a proclamation or notification of this character.

Under the provisions of the act of 1860, authority is given to the ministers of the United States in China and Japan "to issue all manner of writs to prevent the citizens of the United States from enlisting in the military or naval service of either of the said countries, to make war upon any foreign power with whom the United States are at peace, or in the service of one portion of the people against any other portion of the same people; and he [the minister] may carry out this power by a resort to such force as may at the time be within his reach belonging to the United States."

This is an extraordinary power, conferred upon the minister alone, in a certain emergency, and within fixed limits. It is conferred upon him in consequence of the extraterritorial rights reserved in the countries named in the act to the citizens of the United States. The power is given to the minister alone, and is not shared by the consul.

But the notification of Mr. Henderson is his own act, issued by him as a consul of the United States, upon a general complaint made to him by the Chinese government. As a warning and caution to his countrymen, it was a prudent and commendable notice, and, so far as it was a

* See inclosure 3 in Mr. Henderson's dispatch No. 32, *ante*.

mere notice and caution, it is approved. But it goes much further; it is much more than a warning. In it the consul not only assumes the prerogative of the minister, but proceeds to decide in advance what acts will constitute an offense, and affixes a punishment.

Apart from the question of the power of the consul to issue such a notification in any case, it is apprehended that the notification in question, being addressed to all citizens of the United States, and commanding all to withdraw and abstain from all enterprises unfriendly to the Chinese government, might affect citizens of the United States lawfully employed by the Japanese. This Department is not advised as to the precise facts concerning the employment of each of the American citizens said to be engaged in Japanese service. Many citizens of the United States are understood to be employed in various capacities in the civil service of Japan, and it may be difficult to establish a standard to determine how far, or whether any, or which of the acts, which they may be called upon to perform in the appropriate discharge of their several engagements, may or may not be deemed friendly or unfriendly by another power. Acts and enterprises of a government may be deemed by another power to be unfriendly, and yet fall short, very far short, of acts of war, or of compromising the neutrality of the state by which they are done. The erection by a state of a fortification, or the construction of a road, may be (in fact each has been) regarded as an unfriendly act, by another power. But this will scarcely justify, certainly it will not require a third power to enjoin its citizens under severe penalties from taking employment, much less from completing engagements into which they have already entered, and lawful at the time when entered into, in such erection or construction.

This Government does not feel called upon to admit that an engagement by one of its citizens to enter into the military service of Japan, or of another foreign power, made in time of peace, when no war or hostile demonstration is in process or in contemplation, is not a valid contract or that it is repugnant to law. Where the engagement is made in time of peace and hostilities are not in contemplation, there seems to be no distinction in the lawfulness of a contract for civil or for military service.

Should a war afterward be declared, or an insurrection break out, there seems to be no good reason why such contract, valid at its inception, should not be performed, even though a new contract of the same nature could not at the time legally be made.

If the contract for service be legal it cannot be that the person so contracting can escape the burdens and dangers incident to the employment, when his services are most needed, by declaring his foreign nationality. Should he desert, or refuse to obey orders, he would doubtless be exposed to the punishment which, by the laws of all countries, attend desertion and insubordination.

Should he form part of an expedition making a hostile attack, or an invasion into the territories of a country with which that in whose service he had become enlisted has become involved in a war subsequent to his enlistment, he joins in such attack or invasion, not as an American citizen, but as a soldier in the army of one of the belligerent nations; and the United States would take no notice, as against the attacked or invaded party, should he be killed in battle in the ordinary course of civilized warfare, and, in case of his being taken prisoner, would not exact more in his behalf than that no unusual or inhuman punishment be inflicted upon him, and would only watch and require

that as a prisoner of war he be treated according to the accepted rules of civilized warfare.

It is apprehended therefore that no citizen of the United States, regularly enlisted in the service of Japan in time of peace, without reference to any intended act of war, and without anticipating any hostilities, could be punished according to the laws of the United States, and that he could not by any law of the United States, upon the commencement of hostilities, be compelled to abandon the service into which he had entered, or be punished for a refusal to do so.

Foreigners enlist in the military service of nearly every power. During the late rebellion in this country very many foreigners of very many different nationalities took service, not only in the Union Army, but in that of the rebellion, and no remonstrance was made to the governments of which they were subjects, nor was their service in the insurgent army deemed a cause of complaint by this Government.

China herself has employed the services of Americans in her army, and whether against a foreign enemy or an insurrection seems to make no distinction in principle or in law, saving that our own act of 1860 alike forbids our citizens enlisting in the military or naval service of either of the powers named in the act, to make war upon any foreign power with whom the United States are at peace, or in the service of one portion of the people against any other portion of the same people.

Ward and Burgevine (both Americans) were in the Chinese military service. China did not regard their service as illegal or improper, or in violation either of public law or of treaty obligations.

It is believed, although of this I have no certain information, that the military service of China, at this time embraces a number of Europeans, and possibly some Americans.

The act of 1860 appears to have been passed to supply certain apprehended defects in the law of 1818, as applicable to Japan and China, and to provide remedies which, on account of remoteness, could not be furnished by the President under the then existing statutes.

While the Department is not prepared to say that the law of 1818 may not be in force in China and Japan, in its application to citizens of the United States within those countries, it is believed that the law of 1860 will, in most cases, supply a sufficient remedy.

Your course in advising Mr. Henderson to avoid accepting the invitation of the viceroy, as explained in Mr. Henderson's telegram, is approved.

No benefit could result from the intervention of the consul; and it is quite apparent that the Chinese government was ready to obtain the countenance and assistance of an officer in the service of the United States in enforcing its general demand that the Japanese should quit Formosa.

Such matters are entirely foreign to consular duties. A copy of this dispatch, as it relates to these general questions, has been forwarded to Mr. Henderson and to the minister of the United States in Japan, and the chargé d'affaires in China, for their information severally.

I also inclose herewith an extract of an instruction sent to Mr. Williams, No 174,* under the date of the 29th July last.

I am, &c.,

HAMILTON FISH.

No. 165.

Mr. Seward to Mr. Cadwalader.

No. 798.]

UNITED STATES CONSULATE-GENERAL,
Shanghai, August 27, 1874. (Received October 12.)

SIR: I have the honor to hand to you herewith a copy of a letter which I have received from the manager of the Great Northern Telegraph Company, together with Mr. De Lano's letter therein referred to, and an English copy of the agreement between the company and the authorities of the Fohkien province for the establishment of a telegraph between Foochow and Amoy. I hand you also copy of a letter addressed by me to Mr. Sheppard, at Tien-tsin, and Mr. Lord, at Ningpo, in regard to telegraphs. The present moment is opportune to urge these matters upon the Chinese, and I am using my best efforts to do so here and to encourage our several consuls to do the same thing.

I cannot too highly commend the action of Mr. De Lano in the case of the Foochow and Pagoda anchorage telegraph and the Foochow and Amoy line.

You will understand that we are all actuated in these matters by a sincere desire to do what we can to promote the interests of civilization and humanity in this vast empire.

There is no American company in the field; and we are perhaps stronger in speaking for the Danes than we could be in speaking for ourselves.

I am, &c.,

GEORGE F. SEWARD.

[Inclosure 1 in No. 798.]

Ln. 1569.

Mr. Dreyer to Mr. Seward.

GREAT NORTHERN TELEGRAPH COMPANY,
Chief Office, Shanghai, August 26, 1874.

SIR: I beg to submit to you copy of a letter received yesterday from Mr. M. M. De Lano, United States consul at Foo-Chow, and also copy in English and Chinese of the agreement referred to in the same letter.

I do this in the intention of having your assistance in bringing the matter before such of the Chinese officials, and in such manner as you deem most likely to have influence and wisdom enough to see the advantages to China in adopting the agreement. I shall not enter upon any details, as the document actually speaks for itself.

If you think that the agreement is fair and likely to be approved of by other Chinese authorities, say for lines from Shanghai to Nankin, from Shanghai to Tien-tsin and Peking, or between Ningpo and Hankow, or from there to Shanghai, I beg you to make use of it for furthering the establishing of these lines, this company being willing to carry out these lines without delay; if the permission through such an agreement can be procured from the local authorities concerned.

With the trust that you will use the most expedient means to advocate this matter, which is of like interest to all foreigners in China,

I have, &c.,

DREYER.

[Inclosure 2 in No. 798.]

Mr. De Lano to Mr. Dreyer.

FOOCHOW, *August 22, 1874.*

MY DEAR SIR: I have in a former letter informed you that on the 1st day of the present month I received the assent of the provincial authorities here to the erection of a telegraph-line from this port to Amoy, overland, by the company which you rep-

resent. On the 4th and 5th of the month one of the members of the "Tung Lan Chu" (foreign trade committee) came to my office to introduce a wan-yuan, or deputy, who had in the mean time been appointed to go over the route to Amoy in company with a representative of your company, to make the preliminary survey and sketch of the route on which the proposed telegraph-line should be erected. I introduced the said deputy to your agent, Mr. Henningsen, and it was agreed by and between them that on the arrival of the company's engineer from Shanghai, arrangements should be at once concluded for the immediate survey of the proposed route. Two or three days later your engineer arrived here, when I arranged for him an interview with the Tao-tai and other officials, on which occasion I myself accompanied Mr. Hoffmeyer and Mr. Henningsen, taking my own interpreter with me. At this interview all the details of an agreement were arranged substantially as contained in a copy herewith inclosed, which agreement was to be signed by Mr. Henningsen on behalf of the company and by the foreign trade committee as the proper representatives of the provincial officials.

It was not thought essential that this agreement should be executed before the survey should be commenced. Accordingly a second deputy was appointed, and on the 19th instant they started in company with Mr. Hoffmeyer and a large escort of attendants and coolies to make the preliminary survey, all in strict accordance with the terms agreed upon and contained in the inclosed copy of agreement.

On yesterday I sent the written agreement to the yamèn for examination and approval by the Tung Lan Chü, preparatory to its execution and signature, when I was informed that the imperial commissioner, Shen Pau Cheu, had written to the provincial official (the viceroy) to say that the Foochow and Amoy telegraph line would be built by the Chinese government in accordance with the advice of Mr. Giguel, already submitted to the central government.

I was further informed that the viceroy had replied to Shen that he had closed with the Great Northern Company to erect the line, and that by the terms of his agreement the authorities would get the use of his line for government purposes free of charge with the option of buying it at pleasure, and he advised that the agreement be carried out. However, the committee declined to sign the agreement pending further instructions; but in the mean time the party are proceeding with the survey. I submit the foregoing statement to you, leaving it to yourself to determine what shall be done in the matter, but I shall continue my efforts in the company's behalf, trusting that the provincial officials will be able to override the propositions of Mr. Giguel and assert their right to manage the affairs of their province independently of Shen.

I am sure the officers with whom I have negotiated in the matter are much annoyed at the turn things have taken, and charge the whole blame on Giguel.

They believe that if the facts were reported in the interest of your company to the central government, Shen might be instructed to step aside and the viceroy instructed to carry out the arrangement made with the company. They say also that Shen may withdraw from his project on the receipt of the viceroy's letter. I give you also a Chinese version of the agreement, so that you may have it at hand in case you decide upon any action at Peking.

Trusting the project will yet turn out favorable to your company,

I am, sir, &c.,

M. M. DE LANO.

[Inclosure 3 in No. 798.]

Copy of an agreement.

The high provincial authorities at Foochow, in the province of Fohkien and Empire of China, having already granted unto the Great Northern Telegraph Company of Denmark, permission to erect an electric telegraph line, overland, between the provincial city of Foochow and the city of Amoy, both in the province of Fohkien it is necessary, in order that a perfect understanding may be had in the matter, that all the stipulations agreed upon by the Chinese authorities and the representatives of the telegraph company be clearly stated in the form of an agreement, and made a matter of record.

1st. The Chinese authorities agree on their part that as soon as the representative or engineer of the telegraph company aforesaid shall signify his readiness to commence the survey and location of the said telegraph line, they, the Chinese authorities, will appoint two deputies, having official rank, to accompany the said telegraph company's representative from Foochow to Amoy aforesaid, and assist him in the survey of the route; the line to be erected along the route selected and agreed upon by the said deputies and the company's engineer. But it is understood that the line shall not pass through the large cities along the route, nor shall the telegraph-poles be put up in the public roads so as to obstruct travel, nor in the people's fields without their consent, neither shall any graves or tombs be interfered with. The Chinese authorities agree

to give official protection to the said telegraph line during its construction and after its completion, and permit the company to lease ground and erect small watch-houses at convenient distances from each other along the route, say ten miles apart, where Chinese watchmen will be employed to guard the line, (the company to pay such rent for the ground as may be agreed upon with the owners of the same.) The company are permitted in like manner to obtain ground and erect telegraph stations at or near the two cities of Hing-Hua and Chûen-Chan, where European operators may reside.

2d. It is agreed that the provincial authorities shall not grant to any other company or person permission to erect another, or a competing telegraph line between Foochow and Amoy aforesaid, for or during the space of thirty years from the date of this agreement; the Chinese authorities reserving to themselves the right to purchase the line at any time after its completion, at the actual cost of its construction, (adding thereto interest from the date of its completion to date of purchase, at a rate per cent. to be determined and agreed upon by the Chinese authorities and the representatives of the company.) In the event of the line being purchased by the Chinese authorities, the company will not erect a competing line.

3d. The Great Northern Telegraph Company aforesaid undertake to erect the telegraph-poles along the route selected and located as aforesaid, and to place thereon two lines of wire, one of which is to be worked by the company and in the company's interest for commercial purposes, and the other shall be worked solely in the interest of the Chinese authorities and for government purposes only, the telegraph company reserving to themselves the right to control the second wire in the manner hereafter named, viz: The company will work the wire in the interest of the Chinese government until their own appointed people are able to perform the work themselves, and will supply the Chinese with office-room and instruments at Foochow and Amoy, and at intermediate stations, free of charge, and will also instruct Chinese lads appointed by the authorities in the art of telegraphy free of charge.

4th. In order that the company may be assured that only government messages are transmitted over the government wire, the Chinese authorities agree that the draughts of all messages sent by them for transmission either at Foochow, Amoy, or the intermediate stations, shall have upon them a certain official seal, and a copy or impression of such seal shall be deposited with the operator or agent at each station.

5th. It is agreed that the office or operating-room, both of the company and Chinese, shall be in the same building at Foochow, Amoy, and the intermediate stations. The poles, wires, instruments, and stations are to be the property of the company until such time as the Chinese authorities shall elect to purchase the same, as before stated.

6th. All government messages sent by the Chinese authorities, for transmission over the wire, shall be dispatched without delay, and if in any case a non-official message shall be sent by an attaché of the yamên to the telegraph-office for transmission, the Chinese will try to discover the writer thereof and punish him in a suitable manner for the offense.

The company agree that no official messages sent by the Chinese authorities shall be published by the company or any of their employés. All official messages received at the different stations for the Chinese authorities will be immediately delivered as addressed by the company.

It being the wish of the Great Northern Telegraph Company to cultivate and maintain the most friendly relations with the Chinese authorities and the people, they will be found willing to change or vary the stipulations contained herein if such change shall appear to be for the general good, and shall not materially damage their interests; and on the other hand the Chinese authorities agree to do all things convenient and reasonable to facilitate the early completion of the telegraph-line.

As a proof of the good faith of the two parties concerned in this agreement, it is signed by the company's agent, Mr. J. Henningsen, on behalf of the telegraph company, and by the foreign trade committee on behalf of the Chinese provincial authorities.

[Inclosure 4 in No. 798.]

Mr. Seward to Mr. Sheppard.

No. 79.]

UNITED STATES CONSULATE-GENERAL,
Shanghai, August 26, 1874.

SIR: You will understand the situation at Foochow from the inclosed letter from Mr. De Lano and the inclosed copies of the agreement between the provincial authorities and the Great Northern Telegraph Company. I now, on behalf of the company and in the interests of progress and civilization, place these documents in your hands with a view to secure your aid for the company. It has been thought by Mr. Dreyer and me that the aid of the viceroy at Chibli might be useful. It is thought that there is noth-

ing to be gained by Mr. Giguel's plan, which would not be sooner and more economically effected by the telegraph company, while, if at last, Mr. Giguel's plan is to be adopted, the provision for the purchase and sale of the line would make such course easy. I conceive moreover that it is exceedingly desirable that telegraphs shall be introduced into China in such manner as to be in a degree independent of Chinese surveillance. Having the highest opinion of your discretion I write to you in the matter, giving you, with Mr. Dreyer's consent, the fullest discretion to introduce the subject to the viceroy or not, as may seem wise to you, and if you do introduce it, to invite his aid with the government at Peking or otherwise.

You will notice that Mr. Geoffroy's proposal for the establishment of an inspector of telegraphs probably looks to the scheme foreshadowed at Foochow by the imperial commissioner, Shên.

I have, &c.,

GEORGE F. SEWARD.

[Inclosure 5 in No. 793.]

Mr. Seward to Mr. Lord.

No. 112.]

UNITED STATES CONSULATE-GENERAL,
Shanghai, August 26, 1874.

SIR: I have had the honor to receive your letter of yesterday.

I now inclose you a copy of a document not yet formally executed, but, as I understand, agreed to by the officials at Foochow, for the establishment of a telegraph line between Foochow and Amoy.

This moment, when the Chinese fear a war and are made painfully conscious of their lack of means of resistance, including the telegraph and railroads, affords an opportunity to press home upon them their opportunities to institute these very desirable ameliorations of the means of communication. I therefore suggest to you, for your consideration, whether you can do anything so calculated to promote general interests as to visit the provincial officers at Hangchow, and submit to them the agreement mentioned, as indicating what they can do in the way of establishing a telegraph between their city and Ningpo. If you fail we are no worse off, and possibly you may succeed.

I am, &c.,

GEORGE F. SEWARD.

No. 166.

Mr. Hunter to Mr. Seward.

No. 410.]

DEPARTMENT OF STATE,
Washington, August 31, 1874.

SIR: Your dispatch No. 791 in reference to the delivery of a criminal named Walter Jackson to the Hong-Kong government, and inclosing a copy of a letter addressed you by J. Gardiner Austin, colonial secretary, and your reply, and also a copy of your dispatch to Mr. Williams, chargé d'affaires at Peking, is received. From the correspondence with the Hong-Kong government it appears that Walter Jackson, having been arrested in Shanghai, claimed to be an American citizen, and was delivered to you at your request; that this information being conveyed to Hong-Kong, a requisition was made upon you by letter from the colonial secretary for the delivery of Jackson, and that you informed him that while you would hold him a reasonable time to receive the evidence upon which the requisition was made, you were under no obligation to deliver the prisoner except in accordance with the provisions for the extradition of criminals as settled by treaty between the British government and the United States.

The Department is somewhat at a loss to ascertain the precise intention of the government of Hong-Kong by its demand. According to settled usage in the United States, criminals are not delivered up on the demand of a foreign state except pursuant to the provisions of a

treaty. If the request of the Hong-Kong government was intended to be a demand for extradition in accordance with the provisions of the treaty with Great Britain of 1842, it is sufficient to say that the treaty provides for the delivery of persons who, charged with certain crimes committed within the jurisdiction of either, "shall seek an asylum or shall be found within the territories of the other," where proper proceedings shall be taken.

It is necessary, in the opinion of this Department, that the person whose extradition is sought shall be not only within the jurisdiction, but within the actual territory of the United States. No authority is given to any diplomatic or consular officer to grant a warrant of extradition. Upon an examination of the request made by the colonial secretary, the absence of the usual statement that the prisoner is a fugitive from British justice and within the territory of the United States will be noticed, and the fact that the proceedings were dropped on the reception of your note is quite significant.

I am, &c.,

W. HUNTER,
Second Assistant Secretary.

No. 167.

Mr. Seward to Mr. Cadwalader.

No. 802.]

UNITED STATES CONSULATE-GENERAL,
Shanghai, August 31, 1874. (Received October 12.)

SIR: I have the honor to transmit to you herewith a copy of a letter which I have addressed to the legation, covering an identical note from myself and several of my colleagues to our respective superiors, in regard to the neutrality of the foreign settlements in China and Japan in case of war, and to the immunity of our commerce.

I am, &c.,

GEORGE F. SEWARD.
Second Assistant Secretary.

[Inclosure 1 in No. 802.]

Mr. Seward to Mr. Williams.

No. 391.]

UNITED STATES CONSULATE-GENERAL,
Shanghai, August 29, 1874.

SIR: The Tantai lately visited me, and I believe the English and French consuls on the same day, and in conversation raised the question, how far the neutrality of the foreign settlements here would, in case of war, be guaranteed by the foreign powers. In consequence of this visit I consulted with the British, German, and French consuls, and we have agreed to transmit severally to Peking, a letter which has been drafted by Mr. Medhurst, and which, as I wrote yesterday in a private note, went forward yesterday to Mr. Wade, my draft being at the moment in the hands of M. Godeaux.

I have brought the subject of this draft before the Tantai, and at a later moment Mr. Medhurst has communicated the same to him in writing. I understand that the Tantai was to send forward the draft furnished to him by Mr. Medhurst by yesterday's steamer.

My colleagues appear to fear that the Chinese will attempt, in case of war, to sink ballast-laden hulks upon the bar at Woosung. As our treaty provides for the immunity of our commerce in case of war, that is to say, on the Chinese side, I imagine that the strongest protest could be made against the proposal, which, moreover, is discountenanced, I think, by the feelings of the civilized world.

As my colleagues are disposed to believe that, notwithstanding our treaty, the Chinese in exercise of their right of self-preservation could not be greatly opposed in thus obstructing the bar, I suggest that this question should be considered by you.

I shall send a copy of the draft-letter inclosed to Mr. Bingham.

I have, &c.,

GEORGE F. SEWARD.

[Inclosure 2 in No. 802.]

Draught of an identical note to be sent by each consul to his ministerial representative at Peking.

SIR: The probability of a war between China and Japan having of late attracted much attention, and the possibility of such a contingency not having by any means passed over, it has occurred to myself and some of my colleagues to consider what would be the position of the foreign settlements of Shanghai in such an unfortunate event, and how far it would be expedient to adopt such precautions as may render that position a comparatively safe one.

It does not need any extraordinary foresight to predict that Shanghai, from its importance as a commercial center, and from its proximity to one of the few arsenals which China possesses, will become a focus of attack in case of hostilities being declared, and in that event the foreign settlements will at once be exposed to extreme danger, inasmuch as they stand (that portion called British more especially) exactly in a quarter where any outworks necessary to cover the city from hostile approach by the river must be constructed. No move has as yet been made by the Chinese toward the utilization of this strategical position, but they may at any moment see fit to occupy it; and should they do so, and hostilities supervene, the consequences to neutral life and property may be very serious.

The conclusion appears to myself and colleagues obvious, that, if such a sacrifice can be in any way averted, no effort ought to be left untried to accomplish it; and the alternative we would venture to propose is, that advantage should be taken of the presence in Peking of a Japanese minister plenipotentiary to negotiate for the neutralization of the ground covered by the foreign settlements, and a stipulation that nothing shall be done on either side to endanger the safety of the residents therein or of the property in their keeping.

The Taotai of this place, it is believed, will be quite willing to give his consent to this proposition, and I beg to submit it to your excellency, in conjunction with such of my colleagues as are more directly interested, and each of whom has addressed an identical note to his minister, in the hope that the scheme may meet with your favorable consideration.

I may refer here to the twenty-sixth article of the United States treaty with China, which provides for the immunity of American commerce in case of war, and to suggest that such further negotiations may be undertaken with the Japanese as will render this provision operative as far as they are concerned; and in this connection it may be mentioned that the Chinese are likely to obstruct the Woosung Bar in case of war unless some means are adopted to prevent them from taking this course.

Various and serious questions, it must be confessed, will be involved in the adoption of the proposed measure, but as these must of necessity occur to your mind, and their discussion scarcely comes within my province, I prefer to submit the simple proposition free of all argument or remark. My colleagues agree with me that it is also beyond our province to propose that any arrangement arrived at will embrace all the foreign settlements in China and Japan, but it may not be amiss to point out how obviously desirable such an extension would be.

No. 168.

Mr. Seward to Mr. Cadwalader.

No. 811.]

UNITED STATES CONSULATE GENERAL,
Shanghai, September 2, 1874. (Received October 12.)

SIR: Referring to the matter of the arrest of General Le Gendre, at Amoy, I have now to submit the following further information:

After the consideration which I gave to the subject, as indicated in my dispatch No. 797, it seemed to me that a prosecution of Le Gendre before me under the neutrality act must fail.

* * * * *

At this juncture I received a dispatch from Dr. Williams, dated July 31, a copy of which I inclose.

Looking to the tenor of this letter I concluded that my wisest course

would be to release Le Gendre immediately upon his arrival here. I did this, and now inclose to you a copy of my dispatch to Dr. Williams, No. 387, reporting this action.

After Le Gendre's arrival I received two letters from the consul-general for Japan, copies of which, and of my responses and of the order to release Le Gendre, will be found herewith.

I have received no word from Dr. Williams of later date than the dispatch of July 31.

The arrest of Le Gendre gave the liveliest satisfaction to all the Chinese officials. Mr. Henderson's dispatch No. 44 to the Department speaks of the sentiments of the Chinese in this regard. They consider that Le Gendre has been the promoter of the whole business, and seem to feel that the chances of an amicable settlement with Japan would be increased by his removal from the field.

* * * * *

It is with extreme satisfaction that I learn at this moment that the leave of Lieutenant Cassel has been revoked. There are difficulties in dealing with our citizens who are civilians, but none can arise when the person is an officer of the Government. And for the one the responsibility of the Government is very different from that which arises in the other case.

* * * * *

I have, &c.,

GEORGE F. SEWARD,
Consul-General.

[Inclosure 1 in No. 811.]

[Confidential.]

Mr. Williams to Mr. Seward.

LEGATION OF THE UNITED STATES,
Peking, July 31, 1874.

SIR: I have received your two dispatches, No. 369 of 17th ultimo, and No. 377 of the 8th instant, with one from Consul Henderson of the last date, all relating to the Japanese invasion of Formosa and the connection of American citizens with that expedition, and the proper action of United States consular authorities growing out of it.

In Mr. Henderson's dispatch a report is given of some of the proceedings of Mr. Cassel and Mr. Wasson in aid of the Japanese, and you are of opinion that writs of arrest against them and other Americans in the expedition may now properly be issued.

I have carefully read all these papers and whatever else I can learn bearing upon the subject; and I shall defer for a while to instruct Mr. Henderson in the premises to issue such writs, for the following reasons:

One initial difficulty in this whole affair is that there has been no declaration of war on either side. Both the Chinese and Japanese governments affirm that they are still at peace, although the latter have committed hostile acts against the former, invading their territory, attacking the villages of aborigines, and appropriating property taken by force. We know that neither of these nations acknowledge or understand what is technically called international law, and therefore between each other we can hardly look for their acting according to its requirements.

* * * * *

The officers of the Tsungli yamun were much startled to learn that the Japanese were assisted and guided by United States naval and military officers; and it is not strange that they complained that this was in direct violation of Article I of the treaty between China and America, and asked me to order them to withdraw from their connection with the force then going to Formosa. I declined to do so at first, on the plea that the Japanese had assured foreign nations that they had the consent of the government of Peking to chastise the aborigines of Formosa for injuries done their subjects; but learning afterwards that this assurance was quite unauthorized, I told the yamun that the consul had been directed to warn them and all Americans to leave the

expedition. These officials have been fully told that until there has been a declaration of war, it is difficult for foreign nations to take any decided action in respect to this quarrel; and until something has been done by them, or the opposing forces of the two nations come to actual blows, our countrymen may plead that in aiding the Japanese they are not violating the neutrality act, nor any provision in the treaty of 1858, or the act of June 22, 1860. Whatever ideas the Chinese and Japanese may have about international obligations and rights, and however they may conduct their negotiations in relation to this invasion of Formosa, we must have regard to our own usages. The fact of a state of war must be tested by a formal declaration from one side or the other, or by the commencement of fighting between their opposing forces; and until this has been done, it may be urged that the provisions of the twenty-fourth section of the act of June 22, 1860, do not apply, and that the Americans in the service of the Japanese did not enlist "to make war upon any foreign power with whom the United States are at peace." Their enlistment might lead to complications, but as they are at liberty to enter that service, the point where it becomes a violation of neutrality and treaty rights depends on the action and declaration of the two chief actors.

The arrival of the Japanese minister in Peking this week brings the parties into closer relations upon the management of this affair, and they may soon arrange it peaceably, if rumors are at all to be relied on.

I am, &c.,

S. WELLS WILLIAMS.

[Inclosure 3 in No. 811.]

Mr. Shinagawa to Mr. Seward.

HIS IMPERIAL JAPANESE MAJESTY'S CONSULATE-GENERAL,
Shanghai, August 18, 1874.

SIR: You have doubtless been informed that General Charles W. Le Gendre, a citizen of the United States and late United States consul at Amoy, who was engaged by the Japanese government through the United States minister in Japan, in December 1872, in conformity with the terms of Article X of the treaty of 1858 between Japan and the United States, to serve in the department of foreign affairs at Tokei as an officer of the second rank, who lately came to China as His Imperial Japanese Majesty's special commissioner, was on the 6th day of August, 1874, forcibly taken before the United States consular court at Amoy by United States marines landed for that purpose from the United States steamship Yantic, upon unknown charges, and in virtue of a warrant issued by the United States consul at Amoy, while he was in Amoy on his way to Foochow and Shanghai on business connected with his mission; that on the day following the Hon. Charles W. Le Gendre was, against his will, again brought before the United States consular court at Amoy, when for the first time he was verbally made acquainted with the charges made against him; that from that date until the 13th instant he was forcibly detained at Amoy by the United States consul, and was thereby rendered unable to discharge the duties intrusted to him by His Imperial Japanese Majesty; that on both occasions he notified the United States consul that he yielded only to force, which he was unable to resist, in suffering the violence and detention to which he was subjected; that he strongly protested against these proceedings with the United States consul at Amoy; that Mr. Gosheki, His Imperial Japanese Majesty's acting consul at Amoy, found it his duty to himself protest in the most formal and solemn manner against these acts of violence toward His Imperial Japanese Majesty's special commissioner, as being a manifest infraction of the rights of nations, and contrary to the privileges and immunities which commissioners enjoy in civilized countries, although such officers may not always be vested with the character of public ministers; that on the 13th day of August, 1874, the United States consul informed Mr. Gosheki that Mr. Le Gendre was arrested by him in the United States consulate upon a charge of advising, aiding, and abetting an expedition in hostility to the government of China in violation of the laws of the United States and their treaty with China; and that he had informed Mr. Le Gendre that in so doing he was acting under instructions from the United States legation at Peking.

In the afternoon of the 13th instant the Hon. Charles W. Le Gendre was sent to Shanghai in charge of the acting clerk of the United States consular court of Amoy, and upon his arrival at this port, a paper purporting to come from you was read to him by the marshal of the United States consulate-general, from which he was given to understand that he had been released from arrest by order of the minister, and that there would be no occasion to hold him for trial on the charge preferred against him by the consul at Amoy.

The circumstances of the arrest and detention of General Le Gendre being now the

subject of correspondence between the governments interested in the affair, I beg that you will have the goodness to furnish me, for the information of His Imperial Japanese Majesty's government, with a copy of the paper read to him by your order on his arrival at Shanghai, as stated above, if possible before the departure of the mail for Japan.

I take, &c.,

E. SHINAGAWA.

[Inclosure 5 in No. 811.]

Mr. Seward to Mr. Phoenix.

UNITED STATES CONSULATE-GENERAL,
Shanghai, August 15, 1874.

SIR: Upon the arrival at this port of the British steamer Arratoon Apcar you will proceed to that vessel, if the hour shall be suitable, receipt to the marshal of the Amoy consulate for General Charles W. Le Gendre, and say to General Le Gendre that the instructions from the legation do not require a prosecution in his case, and that he is discharged from arrest.

And this shall be your authority for so doing.

GEORGE F. SEWARD.

[Inclosure 6 in No. 811.]

Mr. Seward to Mr. Williams.

No. 336.]

UNITED STATES CONSULATE-GENERAL,
Shanghai, August 13, 1874.

SIR: Referring to my dispatches No. 383 and 385, and the additional telegrams given herewith, I now transmit to you a copy of a dispatch which I have addressed to the Department of State in the matter, (No. 797.)

As it would seem difficult and expensive for me to take jurisdiction in the matter, I am disposed to send Le Gendre to Mr. Mangum, at Nagasaki, and in case no objection to taking this course occurs to me I shall do so.

You will understand the difficulties of the situation, and will, I hope, approve my whole course in the case.

I have, &c.,

GEORGE F. SEWARD.

[Inclosure 7 in No. 811.]

Mr. Seward to Mr. Williams.

No. 388.]

SHANGHAI, August 19, 1874.

SIR: Referring to my dispatch No. 387, I have now the honor to report that General Le Gendre arrived at Shanghai on the 16th instant, and was at once released from arrest upon an order given by me.

The consul-general for Japan at this port has written to me two letters, asking for a copy of his order of release. I inclose copies of his letters, and of my responses, and as well a copy of my order.

I presume that the anxiety to possess this document is induced because it indicates that my instructions from you do not require a prosecution of General Le Gendre, while Mr. Henderson appears to have stated that his arrest was in pursuance of your instructions. Mr. Henderson may very well have supposed that my first telegram to him was based on late advices from you, especially on the advice expected in response to his report of the service of the warning to leave the Formosa expedition upon Messrs. Cassel and Wasson.

I inclose herewith a copy of a protest made by General Le Gendre before the consular court at Amoy.

I may revert to this matter at a later date.

I am, &c.,

GEORGE F. SEWARD.

[Inclosure in 7 in No. 811.]

You are hereby instructed and empowered to arrest ———, should he be found within your jurisdiction, and to detain him in custody until he shall have given to the United States of America a bond, with sufficient sureties, in the penal sum of ———; such bond to be upon the condition that the said ——— shall not, within ——— from the date hereof, take part, directly or indirectly, in any hostilities between the empire of China and the empire of Japan; and that he shall not, during said period of ———, aid or assist in any manner or degree one of the said empires, or any portion of the people thereof, in setting on foot or prosecuting any hostile expedition or operation against the other of said empires, or any portion of the territory or people thereof.

Given ———

[Inclosure 9 in No. 811.]

Mr. Seward to Mr. Shinagawa.

No. 7464.]

UNITED STATES CONSULATE GENERAL,
Shanghai, August 19, 1874.

SIR: I have received your letter of yesterday. As the matter of the arrest of General Le Gendre is stated by you to be the subject of correspondence between our respective governments, I will transmit a copy of the order upon which he was released to Washington.

I have, &c.,

GEORGE F. SEWARD.

[Inclosure 10 in No. 811.]

*Mr. Shinagawa to Mr. Seward.*HIS IMPERIAL JAPANESE MAJESTY'S CONSULATE-GENERAL,
Shanghai, August 19, 1874.

SIR: Your dispatch of to-day has been received. From it I understand that you are unwilling to furnish me, for the information of His Imperial Japanese Majesty's government, with a copy of the order on which General Le Gendre was released, but that you will transmit the same to Washington.

Before I inform our minister at Peking of your decision, I have to request whether you will have any objection to let me have a copy for his use.

I am, &c.,

E. SHINAGAWA.

[Inclosure 11 in No. 811.]

Mr. Seward to Mr. Shinagawa.

No. 7469.]

UNITED STATES CONSULATE-GENERAL,
Shanghai, August 19, 1874.

SIR: I have had the honor to receive your dispatch of this date, and as I learn from it that you are referring the case of Mr. Le Gendre to your minister at Peking, I have to say that in due course the order of release referred to will be transmitted to the United States legation in that city.

I am, &c.,

GEORGE F. SEWARD.

No. 169.

Mr. Fish to Mr. Henderson.

No. 21.]

DEPARTMENT OF STATE,
Washington, September 4, 1874.

SIR: Your No. 40 of the date of July 11 has been received.

Referring to my No. 20, addressed to you under date of 29th of August last, I need not further discuss the questions therein treated.

While the Department appreciates the earnestness and sincerity of your purpose, and approves of the vigilance manifested by the representatives of the Government in enforcing the laws for the maintenance of the neutrality of this Government and of its citizens, in case of war between other powers with which the United States may be at peace, or in case of insurrection within the jurisdiction of a friendly power, care should be observed that the representatives of the Government do not themselves transcend the limits of the laws, or assume powers not granted to them.

Your notification of the 16th of June, of which a copy accompanies your dispatch, is open to many of the objections stated in my No. 409 to Mr. Seward, accompanying my No. 20 to you, to the notification therein referred to.

It threatens "arrest and trial for violation of the laws of neutrality." Neutrality implies the existence of a state of war.

This Government is not advised of the existence of war between China and Japan. If such condition exists, and a notice or proclamation be called for and justified, it should itself be impartial and warn against *unlawful aid to either party belligerent*, and not threaten penalties only against those who may transgress on one side.

The Department is not in possession of the authority by which you issue the notification of June 16, "by instruction from Hon. S. Wells Williams, United States chargé d'affaires, Peking."

In the instruction No. 409 the power of the minister in Japan or in China to issue writs in maintenance of the neutral obligations of this Government was referred to, and the exclusiveness of that power in the minister was noticed.

I am, sir, &c.,

HAMILTON FISH.

No. 170.

Mr. Fish to Mr. Williams.

No. 184.]

DEPARTMENT OF STATE,

Washington, September 8, 1874.

SIR: Referring to my No. 179, I transmit herewith for your information and guidance a copy of a dispatch* of July 11, 1874, from J. J. Henderson, esq., our consul at Amoy, transmitting a copy of a proclamation issued by him on the 16th of June, 1874, and correspondence relative to the participation of citizens of the United States in the Japanese expedition to Formosa, and a copy of my reply of the 4th instant, No. 21.

I am, &c.,

HAMILTON FISH.

No. 171.

Mr. Fish to Mr. Williams.

No. 186.]

DEPARTMENT OF STATE,

Washington, September 12, 1874.

SIR: Referring to your dispatch of July 7, No. 44, relating to the joint trial at Chifu of persons who attacked Mr. Corbett, an American mis-

* See correspondence with Mr. Henderson, *ante*.

sionary at Chimi, I take pleasure in stating that your course in relation to the matter is regarded by the Department as prudent and fair, and that Mr. Sheppard has the cordial approval of the Department for the firmness and discretion displayed by him in conducting the case.

I am, &c.,

HAMILTON FISH.

No. 172.

Mr. Cadwalader to Mr. Seward.

No. 416.]

DEPARTMENT OF STATE,
Washington, October 9, 1874.

SIR : The Department has received your dispatch No. 797, dated August 11, 1874, in reference to the arrest of Colonel Le Gendre, late consul at Amoy, and to which is annexed the telegraphic correspondence between Mr. Henderson, consul at Amoy, and yourself upon the question.

The Department is not advised of the termination of the proceedings, nor whether General Le Gendre has been held for trial, or what course has been finally adopted.

It does not clearly appear to the Department that a state of hostilities exists between China and Japan, nor is the Department precisely informed that General Le Gendre had actually accompanied the expedition to Formosa, nor whether he had committed any act within the jurisdiction of the consul at Amoy, or of any other consulate, for which he could be arrested and brought to trial, nor is the Department advised of the precise offense charged against him, and for which the arrest was made. In the absence of information on these points, and particularly in the absence of information concerning the precise charge made against General Le Gendre, and the proof supporting it, and of the authority to make the arrest, the Department withholds its approval and any expression of opinion. It is therefore desired that a full statement upon all these particular points be furnished, with details of the various steps and present position of the case.

The Department has had occasion to refer to these general questions growing out of the Formosa expedition in a late dispatch.

I am, &c.,

J. L. CADWALADER,
Acting Secretary.

No. 173.

Mr. Cadwalader to Mr. Seward.

No. 420.]

DEPARTMENT OF STATE,
Washington, October 20, 1874.

SIR : The Department has received and read with interest your No 798, in reference to telegraphs in China, and your efforts in that direction, and to which you attach a correspondence between yourself and several consuls, with a draft of a proposed agreement between the provincial authorities at Foochow and the Northern Telegraph Company.

The Department approves your general efforts and the general efforts of the consuls of the United States in China to promote the establishment of telegraph lines, and the general policy of inducing the author-

ities to favor and not oppose such work. As to the particular advantage to accrue to the Chinese or to other governments by granting concessions to any particular company or individuals, or as to the form of agreements in such cases, the Department, being without information, withholds any expression of opinion.

The Department has full confidence, however, that, in dealing with this subject, general public considerations will be considered as superior to the advantage of any particular corporation or body.

I am, sir, &c.,

JOHN L. CADWALADER,
Acting Secretary.

No. 174.

Mr. Cadwalader to Mr. Seward.

No. 424.]

DEPARTMENT OF STATE,
Washington, October 23, 1874.

SIR: Referring to the case of Walter Jackson, and to your dispatch 800, of August 27, with your correspondence with Mr. Williams and with the colonial secretary at Hong-Kong on the subject, as attached thereto, I have to say that this Department has again considered the questions submitted in the light of all the facts now presented by you.

It appears that Walter Jackson was charged with piracy and assault on board the *Satsuma*, a British vessel, that he escaped from Hong-Kong, was arrested upon a telegram at Shanghai, and as a citizen of the United States claimed your protection; that you thereupon detained him, and in answer to the demand for his rendition, made by the Hong-Kong authorities, informed them that you would consider a request for his delivery, but stated that you were under no obligation to deliver him except in accordance with the rules for extradition of criminals as settled by treaty between the two governments. The Hong-Kong government, learning that Jackson was a citizen of the United States, forthwith declined to proceed further against him, and afterward submitted to you a copy of an opinion of the attorney-general concerning your action in the matter.

The simple question, therefore, is, had you a right to detain a fugitive from British justice at Hong-Kong, found within your consular jurisdiction, or to deliver him up under the extradition treaty between this country and Great Britain? Other questions doubtless arose in your correspondence with Mr. Williams, but that is the important and vital point. In the opinion of the Department, no doubt can exist on this question. The extradition treaty between Great Britain and the United States entitles the British authorities to demand the rendition of persons charged with the commission of the particular crimes mentioned in the treaty, within the jurisdiction of Great Britain, who shall seek an asylum or be found within the territorial limits of the United States, upon a compliance with the provisions of the treaty and of the law to enforce such provisions.

In the case of Walter Jackson all the elements were wanting except the offense charged against him, and extradition proceedings were entirely inapplicable to the case.

Upon the facts shown by you he had escaped from Hong-Kong into the jurisdiction of a foreign country, from which, in the absence of any treaty of extradition, there was no power to return him.

In this view, therefore, all discussion with the colonial authorities at Hong-Kong looking to the rendition of fugitives from British justice who have taken refuge within your consular jurisdiction is inadmissible. The authorities of Hong-Kong seem to concur entirely in this opinion, as shown in their action, declining to make any demand for Jackson, although invited to do so.

Hong-Kong being British territory, the Department does not wish to be understood as holding the converse of the proposition, or as assuming that, in a proper case, the authorities of the United States could not demand the extradition of a fugitive from the justice of the United States who had there sought and found an asylum.

Apart from all questions of extradition, if Jackson was, as represented, a citizen of the United States, and had been arrested and claimed your protection, it was doubtless your duty to interfere in his behalf and to investigate his case. If he had been illegally arrested, it was proper that through your efforts he should be set at liberty. Such action would be proper in any case.

The objection to your proceedings in this case is not that you interfered in his behalf, but that you proposed to deliver him to the Hong-Kong authorities under the extradition treaty, or by means of such proceedings, to be tried for an offense committed against Great Britain.

Such part of your correspondence with Mr. Williams as refers to jurisdiction over persons on board ships in the waters of China is not referred to, as having no necessary bearing in the questions here discussed.

I am, &c.,

J. L. CADWALADER.

No. 175.

Mr. Cadwalader to Mr. Seward.

DEPARTMENT OF STATE,

Washington, Nov. 2, 1874.

No. 425.]

SIR: Your dispatch, No. 811, with its inclosures in reference to the arrest of General Le Gendre, late consul at Amoy, informing the Department of the proceedings taken, and of his final discharge from custody, has been received, and read, in connection with your 797 and Mr. Henderson's Nos. 42 and 44, with careful attention.

As the Department has had occasion in late dispatches, addressed to yourself and to the ministers of the United States in China and Japan, to refer to the questions arising out of the participation of citizens of the United States in the late expedition against the natives of Formosa, reference is had thereto for the general views therein expressed, confining the present dispatch to the particular case now presented.

The dispatches which have been received leave the Department without information upon several points; but from the facts now in its possession, the position of the case appears to be as follows: About December, 1872, General Le Gendre entered the Japanese service, but the precise nature of his employment does not clearly appear. He was reported to have entered in some capacity connected with the foreign office, although it is stated by you that he has acted as a "military adviser." Having taken part in the organization of the expedition about to proceed to Formosa, he was detached through the efforts of Mr. Bingham, and the expedition departed without him. That he has taken any further part in it, directly or indirectly, does not appear, and he is reported as arriving in China, having gone from Yokohama to Hong-Kong, thence to Swatow and Amoy. On his arrival at the latter place

instructions were asked by Mr. Henderson, who stated that he was presumed to be on his way to Formosa.

In answer to his request instructions were given by you to Mr. Henderson to arrest him, and he was arrested at Amoy upon the 6th of August. He thereupon filed a protest in the consular court, alleging, among other things, that the warrant on which he was held contained no mention of any offense, and insisting that his entry into the Japanese service was lawful and permitted by the treaty, and that his continuance therein was not in violation of any law of the United States. At his request he was forwarded to Shanghai, and on his arrival, pursuant to the suggestion of Mr. Williams, and by your direction, was discharged from custody. These appear to be the facts as they have been communicated to the Department concerning the arrest.

Many considerations have been advanced by you, tending to show the animus of General Le Gendre toward the Chinese, and the object of his original employment and his visit to China, but all such are, at the most, argument or conjecture.

General Le Gendre was a citizen of the United States who had rendered patriotic and valuable services to his Government, who had lately held the very consulate in which he was arrested, and was represented to be attached to an important mission from the Mikado to the Emperor of China.

On all these grounds a criminal proceeding should not have been commenced against him without grave cause, and only for an offense to substantiate which ample evidence existed. In judging of the legality of this arrest, and of the propriety of his discharge from custody, it is necessary to know precisely the charges and the evidence at hand to support them. Upon these vital points the dispatches in possession of the Department give almost no information.

Exhibit No. 8, attached to your No. 811, being a form of warrant not filled out, and unsigned, is probably intended as a copy of the general form of the warrant on which the arrest was made.

It contains no charge of the commission of any particular offense, no statement of any facts based on which the warrant had been issued, and no mention of any complaint or information having been made. It is true that Mr. Henderson, in his letter of the 10th of August to the acting Japanese consul, states that "General Le Gendre was arrested by me in the United States consulate, upon a charge of advising, aiding, and abetting an expedition in hostility to the government of China, in violation of the laws of the United States and their treaty with China," and in his No. 10, to Mr. Williams, a copy of which was forwarded with his No. 42, to the Department, he states that he has arrested him for aiding the Japanese armed forces in the invasion of the island of Formosa, and these are the only approaches to any distinct statement of a charge.

The offense in each case here referred to is indefinite; no designation is made of the time or place when or where it is alleged to have been committed, and no allegation of the citizenship of the offender, or statement of the particular facts or legal provisions making the act an offense.

By the provisions of the act of 1860, as appears by sections 2 and 7, power is given to the consuls of the United States in China to arraign and try citizens of the United States charged with offenses against law which shall be committed in China, and such provisions are substantially the same in the Revision. (See §§ 4084, 4087.)

It is recognized in general as a part of the jurisprudence of this country, that offenses shall be tried where committed.

In conformity also with the established course of judicial proceedings in the United States, and, as is believed, with the regulations governing similar cases in China, to authorize the issue of a warrant it is necessary that the person against whom the warrant is issued should be charged with an act, or series of acts, making an offense known to the law. The accused also has a right to know, and should be informed of, this particular offense charged against him.

So far as the Department can therefore learn, none of these requisites were complied with in this case.

The consular officers of the United States appear to have acted, as perhaps is necessary, as both prosecutors and judges, but it does not appear that any clearly-defined offense known to the law has been charged against General Le Gendre, or communicated to him or to the Department.

But, apart from the question that no particular offense seems to have been charged, it does not appear that any offense was charged as having been committed within the consular jurisdictions of Shanghai or Amoy, or of the empire of China, but precisely the opposite appears.

The expedition in question was organized in Japan, sailed from Japan without General Le Gendre, and no further connection with it is shown on his part.

The offense in advising, aiding, or abetting the expedition or the invasion, therefore, if offense there was, was committed in a foreign country, outside of the jurisdiction of the consular courts of China.

Further reference to the merits of the case seems not to be required, and the Department refrains from discussing the question whether, in view of all the facts presented to the Department, General Le Gendre had committed any offense either in China or Japan, or whether he had violated the provisions of the act of 1860, or the neutrality act of the United States.

It may, however, safely be said that, in the light of the information forwarded to the Department, serious doubt exists on these questions.

It seems proper further to say, that to have sent General Le Gendre to Japan for trial, as appears to have been proposed, because it was doubted whether a case could be made against him in China, would have been an act beyond the power of a consul of the United States.

A prisoner illegally arrested, or where no offense can be brought home to him, is entitled to his discharge.

He can be sent to another country to be tried only in compliance with treaty provisions for extradition. No such delivery could be made to any authority in Japan.

For all these reasons, and upon the facts as reported, the Department is forced to the conclusion that the arrest of General Le Gendre was without warrant of law, and cannot receive its approval. Had the arrest been the act of a foreign power, it is apprehended that it would have been the ground for energetic action on the part of the United States.

Referring to such parts of your dispatch as relate to the action of the Japanese, the nature of the expedition, and the connection of General Le Gendre with it, and which contain arguments to show his desire and intention to aid the Japanese in hostility to China, it is not perceived that they present evidence of any criminal act on which to sustain an arrest and committal.

I am, &c.,

JOHN L. CADWALADER,
Acting Secretary.

COLOMBIA.

No. 176.

Mr. Scruggs to Mr. Fish.

No. 15.]

LEGATION OF THE UNITED STATES,
Bogota, October 7, 1873. (Received November 4.)

SIR: On the 28th of August ultimo, I transmitted to the secretary of foreign affairs the President's proclamation announcing the time and place of holding the centennial anniversary of American Independence and the international exhibition, as provided by late act of Congress. I also asked to be informed, at as early a period as might be convenient, whether it was the purpose of Colombia to create a commission to represent that government at the exhibition, tendering my services to any committee of citizens that might be appointed for that purpose, &c.

On the 13th of September following, the secretary of foreign affairs addressed me a note, saying that the President was very anxious that Colombia should be represented at the exhibition; that measures would be taken to bring the matter before the people, and that the subject would be laid before the Colombian congress, at its next session, with the recommendation that an act be passed creating a special commission, and that an appropriation be made for its proper execution. He also caused the proclamation of the President to be published in the official and other papers here, and in those of the other States of the confederation, thus bringing the matter prominently before the people of this country.

I am, &c.,

WILLIAM L. SCRUGGS.

No. 177.

Mr. Scruggs to Mr. Fish.

[Extract.]

No. 19.]

LEGATION OF THE UNITED STATES,
Bogota, November 17, 1873. (Received December 18.)

SIR: The State of Panama being so remote and inaccessible from this capital, and the mails so infrequent and irregular, that, up to this time, I have been wholly unable to advise the Department of the condition of affairs there, for the reason that it was impossible to obtain reliable information here.

My latest reliable intelligence from that locality is up to the 27th ultimo. At that time, the political troubles seemed to be over, at least for a season. General Correo, the insurgent chief, had retreated to the interior, most of his followers having forsaken him, and the supposition was that he was then making his way to Costa Rica. The government of General Niere seemed firmly established, and the State legislature, then in session, had conferred upon him dictatorial powers. His acts have been arbitrary in the extreme; nor does he now hesitate to

employ to their fullest extent the extraordinary powers thus conferred upon him. His government, in short, is a despotism under the flattering cognomen of a republic, and yet without any of those guarantees to life and property which a strong government is presumed to establish. Arbitrary arrests are of daily occurrence, and while the criminal code of this country humanely spares the life of convicted murderers, petty officials scruple not to order any citizen to be shot who may hesitate to obey their behests. Forced loans are imposed and collected at the point of the bayonet. The amount thus decreed to be paid by property-owners of Panama is \$60,000, and this sum is now being rapidly collected. As yet, however, no foreign resident has been taxed.

During the late insurrection much property was destroyed. Dwellings and stores were sacked in the most savage manner. Among the sufferers are said to be some American citizens, who have made application to Consul Long for redress and compensation, but their names and locality are unknown to me. The presence of the United States marines in Panama had a most happy effect, and but for the prompt action of Admiral Almy, the desolation would doubtless have been more general.

There has been, and is still, a general feeling of insecurity among foreign residents and property-owners, especially among those interested in the Panama Railroad. The federal government seems wholly powerless to afford protection to foreign interests there, and even here, in Bogota, there seems developing a public sentiment that the isthmus is merely a source of weakness and expense.

I have, &c.,

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WILLIAM L. SCRUGGS.

No. 178.

Mr. Scruggs to Mr. Fish.

[Extract.]

No. 20.]

LEGATION OF THE UNITED STATES,

Bogota, November 27, 1873. (Received December 30.)

SIR: Dr. Santiago Perez, late minister from this country to the United States, having received the majority of votes in six of the nine States of the confederation, has been declared, by the several State legislatures, the constitutionally elected President of Colombia for the term beginning the 1st of April, 1874, and ending April 1, 1876.

All previous apprehensions of a revolution seem dissipated, and the probabilities are that Mr. Perez's inauguration will be peaceable. In that event, it is not improbable that Dr. Murillo, the present incumbent, will be named minister either to the United States or England.

In the States of Bolivar and Magdalena the insurrectionary troubles seem to be over, at least for the present, all the leading insurgents having either compromised with, or surrendered to, the legitimate authorities. The newly-elected governor of the last-named state was inaugurated on the 1st ultimo, October, and a bill is now pending in the legislature making all persons who may hereafter engage in revolution pecuniarily responsible for all expenses caused the government by their acts, and likewise amenable to such individuals as may suffer therefrom. Efforts are also being made to repeal the import duty on flour, which, including state and national tax, is now \$8 per barrel.

Nearly all the flour heretofore imported has been from the United States.

In the states of Antioque and Cauca there is a steadily-increasing trade with the United States. The articles mostly imported are lamps, petroleum, sewing-machines, hardware, cotton cloth, carpets, agricultural implements, carpenters' and miners' tools, machinery, &c. From Medellin to the Rio Magdalena, a distance of one hundred and twenty miles, a first-class carriage-road is in progress of construction, twenty-five miles of which is already completed.

As Antioque is a mining state, and does not produce provisions sufficient for local consumption, it will probably become, when this new road shall have been completed, a considerable market for the surplus products of the United States. The same is true of Tolima. In both the states named there are several American companies engaged in extensive and successful mining operations, which have opened a nucleus for increased American trade.

The projected railway from Buenaventura, on the Pacific coast, to Cali, in the Cauca Valley, is, as you are doubtless aware, the enterprise of an American company, formed at Peoria, Ill. Work was commenced on the 16th June last, but, owing to some misunderstanding relative to the transfer to the company, in virtue of a contract with the Colombian government, of the property of the "Buenaventura Mule-Road Company," and to the efforts on the part of the railroad company to procure some modification in the original contract, it has not been resumed. These disputes having been settled, and the modifications in the contract obtained, the company now announce their purpose to resume work very soon, and hopes are entertained by the government and capitalists here that the road will be built.

As there has been no official statement of the national debt of Colombia for the current year, and probably will not be for some weeks yet, I shall have to defer any attempt to inform the Department in relation thereto until some official or authentic data can be obtained. Under the Murillo administration the bonded debt of the confederation has been very materially reduced.

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I have, &c.,

WILLIAM L. SCRUGGS.

No. 179.

Mr. Scruggs to Mr. Fish.

No. 26.]

LEGATION OF THE UNITED STATES,

Bogota, December 27, 1873. (Received February 5, 1874.)

SIR: In the afternoon of the 15th instant the house into which I had that day been moving was stoned by the rabble attached to a religious procession. Neither the flag-staff or shield of the legation, nor the legation itself, was at the time attached to or in the house. They were still at the house of the legation, in another part of the city, from which I had been moving.

The house against which the indignity was offered was unoccupied at the time, except by a few articles of furniture previously sent over, and by myself and little son, who chanced to be there; he on the bal-

cony overlooking the street, I inside superintending some workmen who were arranging the office-furniture. All the other houses fronting the plaza, except this one, had hung from their windows and balconies symbolic emblems in recognition of the procession. I am quite certain, from all that I can learn, that the perpetrators did not know the character of the house or its new occupants. You will perceive, from the annexed correspondence, that the government acted with commendable promptness, and without solicitation. Some of the perpetrators have been apprehended, and are now in confinement, and the incident will possibly lead to the suppression of all such processions in the future.

Hoping that my course in this matter, as indicated in my reply to Mr. Colunjé's note, may meet the approval of the Department,

I have, &c.,

WILLIAM L. SCRUGGS.

[Inclosure 1 in No. 26.—Translation.]

Señor Colunjé to Mr. Scruggs.

UNITED STATES OF COLOMBIA,
OFFICE OF FOREIGN AFFAIRS,
Bogota, December 16, 1873.

The undersigned, secretary of the interior and of foreign relations of the United States of Colombia, feels himself constrained to address the honorable William L. Scruggs, minister resident of the United States of America, for the purpose of expressing to him the profound pain that the government has experienced at what happened, as they are informed, in the disagreeable incidents of the evening of yesterday, regarding a religious procession that was being celebrated at the time his excellency was proceeding toward his new house of habitation.

The executive administration quite as much lament as they are surprised at the occurrence, where the practice among our people permits perfect religious liberty, guaranteed by the national constitution; and they are utterly at a loss to account for the object of the attack made upon the dwelling of the representative of a nation for which the people of Colombia have so much respect and friendship, and when the person of that representative is so highly respected here for the high qualities which distinguish him.

The government of the undersigned feels perfectly satisfied, from the information in their possession, that the rabble who executed the outrage did not know against whom they directed it; a circumstance that can be very well explained by the confusion which is wont to be produced by processions and acts such as referred to.

The undersigned hastens to assure your excellency that he has taken means which will promptly punish the authors of the act—an act which would have no explanation of its origin but for the ignorance and fanaticism arising from a former *régime* and state of society which should be responsible therefor.

The government of the undersigned flatters itself with the belief that the honorable Mr. Scruggs will not judge of the country in general by the incident which is the motive of this note, and doubts not that he will duly esteem the spontaneity of the sentiments that are expressed herein. The undersigned indulges the hope that your excellency will accept the expression of great personal respect and consideration with which he has the honor to be

Your very attentive, &c.,

JIL COLUNJÉ.

[Inclosure 2 in No. 26.]

Mr. Scruggs to Senor Colunjé.

LEGATION OF THE UNITED STATES,
Bogota, December 18, 1873.

The undersigned, resident minister of the United States of America, takes peculiar pleasure in acknowledging the receipt of the very polite and considerate note of the 16th instant, which the honorable Jil Colunjé, Secretary of the interior and of foreign

relations of the United States of Colombia, was pleased to address to him in deprecation of the disagreeable incident growing out of a religious procession in this city on the day previous.

The uniform courtesy and kindness with which the undersigned has been received and treated by the government and people of Colombia, since his arrival in this capital, leaves him no room to doubt the sincerity of the renewed assurances contained in your excellency's note, nor to question the friendly emotions and sentiments of respect professed by the people of Colombia for those of the United States.

The unpleasant incident referred to belongs to a class liable to occur in almost any country, however liberal its constitution of government, or however well and faithfully its laws may be executed. Moreover, the undersigned is of the opinion expressed by your excellency, that the ignorant and fanatical rabble, the remains of a former civilization, knew not the character of the house or the persons of its new occupants, to whom the indignity was offered; while the prompt and spontaneous assurances by the government of your excellency that measures have been taken looking to the speedy punishment of the wrong-doers is accepted by the undersigned as quite all that he could reasonably ask or expect.

The undersigned therefore begs leave to express his high appreciation of this prompt disclaimer and unsolicited action on the part of the government, and to assure your excellency of his disinclination to judge of the people and institutions of Colombia by this exceptional and isolated incident; and with the reiteration of his sentiments of great personal esteem, he has the honor to remain,

Yours, &c.,

WILLIAM L. SCRUGGS.

No. 180.

Mr. Scruggs to Mr. Fish.

No. 27.]

LEGATION OF THE UNITED STATES,
Bogota, January 7, 1874. (Received February 5.)

SIR: Before receiving your No. 15, of the 29th October last, I had already received from the officers of the Panama Railway Company a full statement of the late troubles on the Isthmus, and of the consequent interruption of its railway transit. It was accompanied by a representation and a formal protest, addressed to the President of Colombia, which I had, on their behalf, placed before the government here.

I had likewise suggested, orally and informally, to the Colombian minister for foreign affairs, that the government increase its national guard on the Isthmus sufficiently to deter attacks upon the road, and to keep the interoceanic transit free from interruption by local factions. After receiving your No. 15, I immediately addressed Mr. Colunje the formal note a copy of which, together with his reply thereto, is herewith submitted. It will be observed that, by the terms of the new executive order, the national guard in Panama is never to be less than two hundred strong, and that its specialty will be to afford protection to the Isthmus Railway against the violence of local factions.

The placing of this force under the direction of the state authorities of Panama is, in my judgment, a defect in the efficacy of the means proposed; but, under a constitutional provision of this country, it is difficult to see how it might have been avoided.

I have, &c.,

WILLIAM L. SCRUGGS.

[Inclosure 1 in No. 27.]

Mr. Scruggs to Señor Colunje.

LEGATION OF THE UNITED STATES,
Bogota, December 19, 1873.

The undersigned minister resident of the United States of America, in compliance with a request by the officers of the Panama Railway Company, has already had th

honor to transmit to the government of his excellency the Hon. Jil Colunjé, secretary of the interior and of foreign relations of the United States of Colombia, a representation and protest by said company relating to the recent disturbances on the Isthmus, and to ask that the railway transit of the Isthmus be in future better protected by the government of Colombia from the violence of local factions.

The government of the undersigned deems it important in the interest of general commerce, and especially of the carrying-trade of that route, that these disturbances should, in the future, be more effectually guarded against.

By the treaty with New Granada of 1846, the obligations of which were assumed by its successor, the United States of Colombia, the Government of the undersigned engaged to guarantee the neutrality of the Isthmus of Panama. But this engagement has never been acknowledged to embrace the duty of protecting the road across the Isthmus from the violence of local factions. It is therefore regarded as the undoubted duty of the government of Colombia to protect that road against attacks from local insurgents.

The undersigned is accordingly instructed by his Government to bring this matter to the attention of your excellency, and to ask that a sufficient force be kept on the Isthmus to deter attacks upon the road, its officers and employés.

With renewed assurances the undersigned has the honor to remain, &c.,

WILLIAM L. SCRUGGS.

[Inclosure 2 in No. 27.—Translation.]

Señor Colunjé to Mr. Scruggs.

UNITED STATES OF COLOMBIA, OFFICE OF FOREIGN RELATIONS,
Bogota, December 26, 1873.

The undersigned, secretary of the interior and foreign relations of the United States of Colombia, at the same time that he acknowledges the receipt of the protest made by the representatives of the Panama Railway Company, directed to him with the note of the 6th of the present month by the Hon. William L. Scruggs, minister resident of the United States of America, has the honor to answer the other note of the 19th of the same month, in which his excellency manifests that his Government deems it important in the interest of general commerce, and especially of the transit of that route, that in the future disturbances, such as recently have occurred there, be avoided by the government of this union stationing a sufficient force there to protect the transit against the violence of local factions, and to prevent attacks upon the road itself, its officers and employés.

As the honorable minister in his note observes, the stipulations of the treaty of 1846, by which his Government compromised itself to guarantee the neutrality of the Isthmus of Panama, did not include the obligation to protect the railroad against the class of violences referred to, the undersigned makes known from the present that the Colombian government has considered, and will always consider as its exclusive function and duty, to give that protection, a protection which this government has never refused, although it may have appeared inadequate during the late disturbances, on account of the magnitude of the acts committed at so great a distance from this capital. Furthermore, the undersigned communicates to his excellency the minister, that on the 15th of the present month, a decree was made, to the end that hereafter no disturbances may be permitted on the line of the railway; a decree for the prompt enforcement of which there will always be a sufficient national force in Panama at the disposal of the state government.

By this provision, which Mr. Scruggs will read in the annexed note, the President of this union hopes that the public tranquillity on that interoceanic road will be made secure; with which will be satisfied the most ardent desires of the government of the undersigned, the wishes of that which his excellency so worthily represents, those of the railroad company, and those of universal commerce.

The undersigned feels a particular pleasure in reiterating to the honorable Mr. Scruggs the assurance of his high consideration, &c.

JIL COLUNJÉ.

[Inclosure 3 in No. 27.—Translation.]

UNITED STATES OF COLOMBIA, NATIONAL EXECUTIVE POWER,
OFFICE OF FOREIGN RELATIONS, SECTION 2, No. 173,
Bogota, December 15, 1873.

To the Honorable Secretary of War and Marine:

The frequent armed revolution in the State of Panama, and the grave circumstance that the principal center of these revolutions is almost always the capital of that

state, the western terminus of the interoceanic railway, constructed in that part of the republic to which the government of the union owes especial security, have persuaded this government that it is altogether impossible for it to fulfill that duty there, if there be not prevented in the most efficacious manner, as well in the city of Panama as all along the line of the railway, any interruption whatever of public order, be its magnitude whatever it may; as there every movement of this kind produces suspension or checking of traffic, danger more or less real to the persons and interests of passengers, and universal discredit for the enterprise, for the state, and for the nation.

To the end, therefore, that such deplorable acts may not be repeated, and that if repeated they may be immediately repressed, the citizen President of the union decrees that the national forces in Panama be always of the number of two hundred men at least, and that the commander of it there be instructed, as the most important of his orders, this: That he and the force under his command must be always ready to prevent or repress, under the direction of the local authorities, any disturbance whatever of public order on the above-mentioned line of railway. The President desires that these orders be fulfilled in the very shortest time possible.

Your most attentive servant,

JIL COLUNJÉ.

BOGOTA, December 31, 1873.

No. 181.

Mr. Scruggs to Mr. Fish.

No. 29.]

LEGATION OF THE UNITED STATES,
Bogota, January 7, 1874. (Received February 5.)

SIR: General Eustorijo Salgar, former minister plenipotentiary from this country to Washington, subsequently President of Colombia, more recently secretary of war and marine, having been elected governor of Cundinamarca, was regularly inaugurated on the morning of the 1st instant.

At 2 o'clock on the same day the members of the diplomatic corps attended at the executive mansion, by invitation of the President, to witness Governor Salgar's reception, and to afford him opportunity of being formally introduced to them.

In the course of his remarks, on the occasion named, Governor Salgar said:

Since I have the fortune to find myself in the presence of the honorable diplomatic body, it is pleasing to me to direct to them a cordial salutation, and at the same time to assure them that, as chief magistrate of the state in which the high federal powers and the representatives of friendly nations reside, nothing will be more pleasing to me than to contribute, by all the means within my power, to make their residence in this capital agreeable.

I have, &c.,

WILLIAM L. SCRUGGS.

No. 182.

Mr. Scruggs to Mr. Fish.

No. 39.]

LEGATION OF THE UNITED STATES,
Bogota, June 17, 1874. (Received July 14.)

SIR: I have by this mail transmitted to the Department the annual report of the Colombian secretary of foreign affairs to the congress of

this country, for the year ending April, 1874. The portion allotted to the discussion of the relations between Colombia and the United States will be found on page 83, paragraph 6, and from thence to page 85 inclusive. A translation of this portion of the report is inclosed herewith.

I have, &c.,

WM. L. SCRUGGS.

[Inclosure.—Translation.]

Extract from the report of the Colombian minister for foreign affairs, of February, 1874.

The Montejo question, of which I treated at due length in article 84 of my former memorial, and which I there said that, being the only one that had remained pending between the United States of America and those of Colombia, appeared terminated also, judging by the continued silence with respect to it preserved by the North American Government, is still continued. That Government had not abandoned it, as I was led to believe, but had reserved to itself the right to resume the prosecution of the discussion through the medium of a new minister, whom it proposed to send to fill the vacancy left by Mr. Hurlbut. The new minister came, or did come, and, on the 24th day of July, 1873, presented his credentials to the President of the Union, in public audience. He is the honorable William L. Scruggs, a person, in all respects, of the highest esteem. His courteous character has made easy and not vexatious (offensive) a discussion so delicate and unpleasant (ungrateful) as that which has its origin in the impressment (capture) and occupation (detention) of said ship by revolutionists; and, although no conclusion satisfactory to both parties had been arrived at, he at once entertained the proposition which I had just made him—seeing that we were unable to adjust differences after a long conference—to submit the point to the decision of arbitrators. But, as he wanted instructions, in order to a formal acceptance of the proposition, he had asked for and was awaiting them. He is now absent, and upon his return or before, (his return,) he will be in readiness to give his definite answer.

Extract from report of Colombian minister of foreign affairs to Congress, February, 1874.

[Translation.]

With the view of commemorating, on its centennial, the Declaration of Independence of the United States of North America, there is now being prepared by that Government the celebration of one of those universal assemblies of science and industry that form one of the marks by which our epoch is honorably distinguished.

In effect, the President of that nation has declared and made known, by means of a proclamation issued the 3d of July last, that in the city of Philadelphia, State of Pennsylvania, there will be held an international exhibition of arts, manufactures, and agricultural and mineral products, which will be opened on the 1st of April, 1876, and closed the 1st of October of the same year; and, in the same document, in the interests of peace and of friendship and domestic and international relations, he incites the people of the United States to celebrate the exhibition, and invites all nations, in the name of the North American Government and people, to take part in such festival.

The (señor) minister resident of that Government addressed himself to me, by a note of the 28th of August last past, with the object of transmitting to ours a copy of the said proclamation, and also of manifesting to it his hope that, the matter being taken into consideration here, it might be considered convenient to call the attention of the Colombian people as well to the exposition as to its object, commencing thus to excite their co-operation therein, and with the purpose of manifesting also that the President of the North American Union hoped that, with the opportunity which the exhibition will offer for the cultivation of sentiments and intercourse between the two countries would redound in new and even greater benefits to science and industry, and would serve equally to strengthen the bonds of peace and friendship which now happily exist between the government and people of Colombia and the Government and people of the United States; and the (señor) minister added that he would be pleased to be informed, as soon as might be convenient, whether the government of Colombia proposed to create a commission to represent this republic in the exposition and have the care of Colombian interests that might occupy a place there. I answered the honorable Mr. Scruggs that the executive power would inform the national Congress of the

magnificent project of the exposition, as well as of the polite invitation of the President of the United States, in order that that body might dictate the necessary provisions for Colombia's participation in that festival of liberty and of the intelligent labor of the entire world—a participation which should correspond to the influence which the transcendental act to be commemorated has exercised over our country itself; which should symbolize the veneration which we profess for the men who signed and heroically sustained the Declaration of Independence, and that might be a pledge worthy of the unalterable friendship which has existed, and always should exist, between the nations.

A translation of the proclamation, and also of the (señor) minister's note, are found together with my answer, among the documents of this memorial, (report,) under the letter L.

No. 183.

Mr. Scruggs to Mr. Fish.

No. 40.]

LEGATION OF THE UNITED STATES,
Bogota, June 17, 1874. (Received July 14.)

SIR: The Hon. Felipe Zapata, minister for foreign affairs of Colombia in 1871 and 1872, more recently a member of the Colombian congress, has been nominated and confirmed envoy extraordinary and minister plenipotentiary from this country to the United States, France, and England. I inclose herewith a translation of the note of the acting secretary of foreign affairs, advising me of this designation.

Notwithstanding the terms of the secretary's note, it is understood here that Mr. Zapata is commissioned to England especially, and that his residence will be in London. He, however, visits the United States on his way, and will, as he informs me, spend some weeks in Washington. Of the nature of his visit or the precise character of his commission thither, I know nothing definitely.

Although it is alleged here that, for economical reasons, the three missions to England, France, and the United States have been thus united by the executive, and that no minister will be appointed specially to Washington, it is understood in official circles here that an appointment of a minister to the United States will be made some time after the adjournment of the present congress. The reasons for deferring the appointment appear to be of a local partisan nature.

I have, &c.,

WM. L. SCRUGGS.

[Inclosure 1 in No. 40.—Translation.]

Mr. Vila to Mr. Scruggs.

DEPARTMENT OF THE INTERIOR AND FOREIGN RELATIONS,
UNITED STATES OF COLOMBIA,
Bogota, June 13, 1874. (Received June 15, 1874.)

SIR: I have the honor to inform your excellency that the Hon. Felipe Zapata has been nominated envoy extraordinary and minister plenipotentiary near the Governments of the United States of America, France, and England, and that such nomination has obtained the approbation of the senate of plenipotentiaries.

Mr. Zapata will depart in a few days for his destination, and the executive power entertains the hope that the designation which he has made in him, for the representation of this government near that of the United States, may be as agreeable there as to your excellency here.

With sentiments of particular consideration, I subscribe myself your excellency's very attentive and obedient servant,

R. SANTO DOMINGO VILA,
Secretary of War and Marine,
in charge of the office of the Interior and Foreign Relations.

[Inclosure 2 in No. 40.]

*Mr. Scruggs to Mr. Vila.*LEGATION OF THE UNITED STATES,
Bogota, June 16, 1874.

SIR: I am honored by your excellency's note of the 13th (received the 16th) instant, announcing the nomination and confirmation of the Hon. Felipe Zapata as envoy extraordinary and minister plenipotentiary near the governments of the United States, France, and England, and his early departure hence for his post of duty.

Recognizing in Mr. Zapata a gentleman of intelligence and high personal character, and an able and worthy representative of the republic of Colombia, it shall be my pleasure, upon all proper occasions, to commend him to the consideration and esteem of the President and Secretary of State of the United States.

With sentiments of high and distinguished consideration, I have the honor to remain, your excellency's very obedient servant,

WM. L. SCRUGGS,
United States Minister Resident in Colombia.

No. 184.

Mr. Scruggs to Mr. Fish.

No. 42.]

LEGATION OF THE UNITED STATES,
Bogota, June 27, 1874. (Received July 28.)

SIR: Thinking it might be a matter of interest to the Department, I respectfully inclose herewith a translation of the law now in force in this country prescribing the manner in which the goods and personal effects of diplomatic agents, resident in Colombia, may be imported free of duty.

I have, &c.,

WM. L. SCRUGGS.

[Inclosure.—Translation.]

Extract from the fiscal code of the United States of Colombia, page 27.

ART. 134. In order that the goods and effects of diplomatic agents may enjoy the rights of free importation, the following proceedings are necessary:

1. If the effects and goods should accompany the diplomatic agent, he shall present with his passport, to the chief of the custom-house, a written and signed list, in which shall appear the number of packages, and their marks and numbers.

2. If the effects and goods should not come with the diplomatic agent, they shall be subject to all the formalities provided for the introduction of cargoes of private individuals; but they shall be delivered free of duty upon the presentation to the chief of the custom-house of an order from the secretary of hacienda, (a branch of the treasury department,) in which are specified the marks, and the number of packages to be delivered. The delivery may also be made before the order is received, if the importer agrees to give security or bond, which the executive power may determine in the regulations which he may issue for the special execution of the present code. If the order should be received before the receipt at the custom-house of the packages, the security for the payment of import duties thereon may be dispensed with.

3. In order that the order of which the foregoing section treats may be issued, the diplomatic agent shall give notice to the secretary of interior and foreign relations of the packages which he expects, giving their number, with the enumeration and marks, the name of the vessel that brings them, and that of the person to whom the delivery is to be made.

No. 185.

Mr. Scruggs to Mr. Fish.

No. 47.]

UNITED STATES LEGATION,
Bogota, July 27, 1874. (Received September 9.)

SIR: The sixty-fourth anniversary of the declaration of the independence of Colombia, occurring on the 20th instant, was celebrated here in a manner peculiar to this people.

At 10 a. m., on the 19th, there was a grand parade through the streets by the children and officers of the public and private schools. At 12 m., on the same day, there was music and singing in the plaza Bolivar. At 5 p. m. there was an imposing procession, headed by the ecclesiastics bearing a cross, an image of the crucifixion, and of the Virgin Mary, followed by the president and his cabinet, from the cathedral Vera Cruz to the plaza Bolivar. These images are represented to be the identical ones that were held up by the clergy of the viceroy to the martyrs of the revolution at the time of their public execution, during the struggle for independence of the Spanish Crown.

On the night of the 19th, all the houses and public buildings, excepting, however, the churches, were brilliantly illuminated, including, of course, the houses of the foreign legations.

The morning of the 20th was hailed by salutes of cannon, and banners were hung from the windows and balconies of all the private residences along the principal thoroughfares. At 9 a. m. public mass was said, and an appropriate sermon was preached, in the large cathedral fronting the plaza Bolivar.

At 12 m. the diplomatic body, by previous invitation through the secretary for foreign affairs, repaired to the executive mansion, and were formally received by the President. The customary congratulatory addresses were read by the dean of the diplomatic corps, and by the President.

At 1 p. m. the President and cabinet, accompanied by the diplomatic corps, proceeded between an honorary guard of soldiers to the plaza Bolivar.

Our arrival thither was hailed by music, salutes of cannon, shouts, sky-rockets, and the waving of banners. Proceeding to the bronze statue of Bolivar, in the center of the plaza, the original draft of the declaration of independence was there read and speeches made by the President of the republic and by the director-general of the national university. The President then placed the golden crown, brilliantly set with pearls and diamonds—a present from Peru to Colombia in 1864—upon the head of the statue.

The children of the public schools of the city, embracing both sexes, all ages, colors, and conditions, marched into the plaza, each of the males wearing a jacobin cap of liberty, and formed a hollow square around the statue, where they went through various evolutions, singing a beautiful native chorus. The President and cabinet, accompanied by the diplomatic body, then retired, thus ending the official ceremonies of the occasion.

Under the supervision of the municipality and of individual speculators, the feasts were protracted during the five remaining days of the week, but the exhibition bore no official character whatever. The time was consumed in horse-racing, cock and bull fighting, and in gambling, the last-named sport being openly permitted by the laws of this country, and is still a national vice of Colombia.

According to my understanding of general instructions from the Department, I have deemed it not improper to communicate the above, fearing, however, that it may be wholly unworthy of your attention.

In conclusion, I must crave your further indulgence for referring to a subject still more trivial in itself, but to which the perversity and ignorance of some of our own countrymen resident here, as in the United States, have given undue importance. I allude, of course, to the dress of diplomatic representatives on occasions of official ceremony. I presume that there has been no time, since the date of Mr. Marcy's circular of June, 1853, when newspaper gossip at home has not been freely reprinted in foreign countries, exciting invidious comment. The act of Congress of March 27, 1867, making notable exceptions in favor of persons who may have, at some time or other, held military commissions, seems to have had a tendency to increase rather than to diminish this meddlesome comment. Government officials here, under institutions so republican in theory, as well as sensible persons everywhere, generally commend the rule prescribed, of adopting the plain dress of the citizen for our diplomatic representatives abroad, as being more dignified and more in keeping with our institutions and practices at home. But the matter has been frequently referred to in my presence, by resident American citizens, as well as by foreigners and attachés of other legations, in a disparaging spirit.

This subject has been partially set at rest by legislation; and I venture to suggest that if all exceptions were abolished it would avoid invidious remark, and add uniformity in dress, on official occasions, of our representatives abroad, and make it more in keeping with its civil character, while it could in no possible manner detract from the influence and consideration of our ministers.

I have, &c.,

WM. L. SCRUGGS.

No. 186.

Mr. Scruggs to Mr. Fish.

No. 53.]

UNITED STATES LEGATION,
Bogota, August 7, 1874. (Received September 15.)

SIR: Since the date of my No. 10, of the 7th of September last, the controversy between the republic of Venezuela and that of Colombia has remained in *statu quo*, with the exception of some additional aggravations growing out of alleged infractions of existing treaties by revolutionary parties in the former government occupying the disputed territory as a basis of predatory operations.

It seems there has existed for some time past a revolutionary faction in Venezuela seeking the overthrow of that government, or rather the administration of it. These insurgents occupy some portions of the disputed territory along the line of the river Arauca, making that a basis of operations, and levying duties in excess of those prescribed by treaty stipulations between the two countries upon all produce and merchandise exported from Colombia through the territory of Venezuela.

This called forth a remonstrance from the Colombian government. That of Venezuela replies, June 19, 1874, in a sharp and threatening

manner, charging Colombia with bad faith, and demanding reparation for injuries resulting from alleged violations of neutrality laws by Colombian citizens in the northern portion of the State of Santander.

The response of Colombia, July 16, 1874, is conciliatory but firm in tone; endeavoring to prove that while she has never yielded her claim to the territory in dispute, she has taken all possible care to enforce the neutrality laws as well upon the inhabitants of the territory in dispute as upon those occupying portions of the State of Santander, to which her title has never been questioned.

Thus the matter rests at present. President Perez, in the hope of bringing the controversy to an amicable adjustment, has commissioned his immediate predecessor, Dr. Manuel Murillo, as special envoy to Venezuela, with full powers to negotiate a settlement. Doctor Murillo has formally accepted the charge, and will leave Bogota for Caracas on the 17th instant.

I have, &c.,

WM. L. SCRUGGS.

No. 187.

Mr. Fish to Mr. Scruggs.

No. 15.]

DEPARTMENT OF STATE,
Washington, October 29, 1873.

SIR: Inclosed is a copy of a letter of the 25th instant, and of the papers by which it is accompanied, addressed to this Department by Mr. John Keeler, Secretary of the Panama Railroad Company, relating to recent disturbances on the Isthmus of Panama. This Department deems it important, in the interest of general commerce, and especially of the carrying trade of that route, that these disturbances should be guarded against. By the treaty with New Granada of 1846 this Government has engaged to guarantee the neutrality of the Isthmus of Panama. This engagement, however, has never been acknowledged to embrace the duty of protecting the road across it from the violence of local factions; but it is regarded as the undoubted duty of the Colombian government to protect it against attacks from local insurgents.

You are consequently requested to address a representation upon this subject to the Colombian minister for foreign affairs, and to ask that a sufficient force be kept on the isthmus to deter attacks upon the road, its officers, or servants.

I am, &c.,

HAMILTON FISH.

[Inclosure.]

Mr. Keeler to Mr. Fish.

OFFICE PANAMA RAILROAD COMPANY,
New York, October 25, 1873.

SIR: I beg leave to place before you copies of a part of the correspondence of the officers of this company now on the isthmus, advising the commencement and continuation of hostilities between the state government now existing and the revolutionists

at Panama and the insufficient protection of the transit afforded by the national government. This is the second revolution that has occurred this year; and although hostilities had ceased at the last advices for the time, it does not bring with it the assurance of continuation, as it is thought that the cessation was only caused by the want of ammunition, and would be renewed as soon as this want was supplied.

You will please notice in the correspondence that our trains have been stopped, the lives of our officers threatened, and the business of the road very seriously interrupted; and not only has the property of this company and the lives of its employés been endangered, but the lives of the passengers and the commerce of the world passing over this inter-oceanic railroad have been seriously imperiled.

Since the opening of the railroad, in the year 1855, the state of Panama has been subject to frequent revolutions, all of which have been attended with more or less bloodshed, and with disturbances which have not only seriously affected the commercial character of the route, but have often endangered the lives of passengers and property in transit.

The security of the isthmus-transit is a subject of great importance to all commercial nations; and this company desires respectfully but earnestly to bring this subject to the attention of the State Department of the United States, being encouraged to do so by the terms of the treaties of 1846 and 1857, under which the neutrality of the isthmus is guaranteed; and the government of the United States of Colombia agrees (as we are advised) to maintain a sufficient force of national troops on the isthmus, with the view that the transit from one sea to the other may not be interrupted or embarrassed. Please note in the correspondence inclosed that the national troops maintained on the isthmus for the protection of the transit joined the state forces soon after the commencement of hostilities.

This company gratefully acknowledges the many instances in which protection has been afforded by the Government of the United States; in each successive case we have hoped that the disturbing causes would disappear in the progress of the times. In this we have been disappointed; the local disturbances have increased in violence and frequency. And we do most respectfully urge the importance of such a protection to the transit as to place it beyond the possibility of further interruption or embarrassment by these oft-repeated political disturbances.

I remain, your obedient servant,

JOHN KEELER,
Secretary

[Inclosure 1, in inclosure in No. 15.]

Mr. Robinson to Mr. Keeler.

RISEING STAR, *Aspinwall*, October 4, 1873.

DEAR SIR: I beg to inform you that during the night of September 23 hostilities commenced between the state government of General Neira and the "Outsiders," as they are called, the latter attacking.

On the morning of September 24 I received a telegram from Captain Dow, as follows:

"One hundred men from United States steamer Pensacola were landed at 6 last evening and quartered at the station. The ball of revolution is fairly opened; communication with town interrupted; fighting now going on between the state and city."

This announcement was not unexpected. Fortunately for us, we were better prepared than at any recent period, the Pensacola and Benicia, United States Navy, being at Panama, while the Wyoming arrived here during the same night.

On the morning of the 24th instant Commander Cushing, of the United States steamer Wyoming, called; and it was during our first interview that the following telegram came from J. W. Fry, track-master, Rio Grande station, September 24, 12 m.:

"On my way home from Panama this morning I found a red flag displayed near the water-tank, and ascertained on stopping that it was placed to stop the train from Aspinwall. I ordered the flag removed and started again, when two men advanced, *pointed a revolver and musket at me, and threatened me with death in case I proceeded*. I was permitted to go, on condition I would order the train to stop."

I then, after consulting with Commander Cushing, addressed a note to the prefect of this place, of which the following is a copy:

"SIR: Information has been received that the morning train of this date from here has been stopped by armed men and the life of an employé of this company has been threatened. Under these circumstances, I have to ask you to send an armed force with each train leaving this terminus for its protection, the first to leave at 1 p. m. to-day.

"Your immediate reply will oblige your obedient servant,

TRACY ROBINSON,
"Acting Superintendent."

I give you a translation of the reply to this, as follows :

"In this department the government has not the power to protect the interests of the Panama Railroad Company, having only a few policemen to attend to the town duties. This I shall communicate to the government of the state, that it will, no doubt, take it in consideration.

"IGNACIO PEREZ."

This admission obtained, (an important one,) I at first thought of sending a force from the Wyoming, which Commander Cushing was ready to furnish ; but, as this end of the road was still quiet, concluded to let the detachment from Panama come as far as Mamei and then return. Before having the United States troops sent, however, I took the precaution to telegraph to the station-superintendent at Panama as follows :

"DIAZ : Are there any national troops at the station ? If so, ask for a detachment of them to come to Mamei. If they refuse, send the United States troops."

His reply reads : "No national troops at this station." I then said : "Then send United States troops ; start train."

You will see from this that I was careful to ask the needed protection before accepting it from the United States forces. All this was done between 12 and 1 o'clock of the 24th.

The officer in charge of the United States forces in Panama promptly sent a detachment of ten men, and also sent a similar guard with the train, leaving Panama at 7 a. m. on the 25th, but as there appeared no sign of further interruption, I then had the guard discontinued, except when passenger trains from connecting steamers have been sent, when it has been sent out as far as Mamei and returned from there to Panama. Toward night on the 24th I received a telegram from Captain Dow, as follows : "I have seen President Neira, who regrets the circumstances related by Mr. Fry." To which I replied, "I think that the President's 'regrets' hardly atone for the interference of this morning with Mr. Fry and the train."

Soon after the commencement of hostilities, the force of Colombian national troops, called the battalion "Sapaderes," sent to and maintained on the Isthmus for the protection of the transit, *joined the state forces*, and are still in the ranks opposed to the rebels or outsiders. Had it not been for the presence and prompt action of the United States naval forces, under the command of Admiral Almy, the interests of this company and of the transit generally would have been at the mercy of an armed mob of semi-savages, and it is not difficult to predict the result. As it is, our thanks are due to the United States forces.

Since the first day, September 24, we have been able to keep up a show of work at Panama, although under many difficulties and drawbacks.

Refugees from the city and suburbs have crowded into the station for shelter and protection to the number of several hundred, mostly women and children.

The United States military force has contributed to make the station a scene of constant bustle, excitement, and confusion, so far as *work* has been concerned, and the only wonder is how Mr. Hunt has managed to do so well as he has. It must be remembered that all of this time, since the night of September 23, eleven days to-day, communication with the city by land has been *entirely cut off*, rendering it necessary for all our officers and clerks to go backward and forward between their homes and the station by water, which could only be done at high tide.

I am, your obedient servant,

TRACY ROBINSON,
Acting Superintendent.

[Inclosure 2 in inclosure in No. 15.]

Mr. Robinson to Mr. Keeler.

RISEING STAR, *Aspinwall*, October 6, 1873.

DEAR SIR: At 11.20 a. m. of this date I received telegram from Captain Dow, of which the following is copy :

"During last night the entire rebel force evacuated its position in suburbs, literally stole away and is now said to be at its old quarters beyond the Rio Grande. I walked this morning from the city to the depot for the first time in twelve days. I think there is no doubt but that the rebels are out of ammunition and have retired until such time as they can renew the fight with fresh supplies. In the mean time peace may be negotiated. Communication with the city by land is now open."

From this you will gain an idea of the present situation. The strife may be at an end and may not. Meanwhile we can only hope for the best. Commander Brown, commanding the United States forces on shore at Panama, telegraphed me at the same

time that it was thought by himself and Captain Dow unnecessary to keep a larger force than fifty men on shore to protect the company's property, in which I acquiesced, and at 4 this p. m. the balance were sent back on board.

I have written a letter to Admiral Almy, copy of which you will find among my inclosures. It seems but proper that I should convey the sense of obligation the company is under.

The various questions which have arisen affecting the company in its relations to the state and national governments have been all referred to Admiral Almy for solution, inasmuch as he had assumed military control of the transit and must therefore be held responsible for its safety. This we have been all the more willing to concede, as it has relieved us of an important share of the very pressing and grave responsibilities inseparable from the situation; and I am happy to say that, so far as I am at present informed, no just cause of complaint has been given these people by any act of commission or omission on our part. Day and night we have been vigilant to guard the interests of the company and at the same time to preserve the strictest neutrality.

It seems more than probable to me that the present cessation of hostilities is owing to the strict watch we have kept in the matter of smuggling ammunition to the rebels. On the 30th September, it occurred to me that it would be well to keep a sharp lookout, and I requested Mr. Wise to examine carefully every package of local cargo which *might* contain contraband. As a result, he came back to me the same day and reported having discovered something wrong in a shipment of 10 barrels flour, made by Mr. J. F. Cespedes of this place, examination showing that something besides flour was in the barrels. They were allowed to go forward, however, with instructions to Mr. Hunt to examine, who found each barrel to contain 2,000 cartridges, more or less, all destined for the outside party. This fact having come to the knowledge of General Neira's government, there was an awakening on their part to an extra vigilance, going so far as to even request me not to receive or allow to be transported to Panama, from Aspinwall or the line, any cargo whatever, of a local character; a request, by the way, I could not comply with, but so far as anything suspicious has been concerned, I have taken good care not to allow it to be received.

Of course, this long interruption has caused an accumulation of Panama cargo, which now amounts to well-nigh 1,000 tons, and which up to the present remains on our hands.

Mr. Hunt reports freight-house full and 36 loaded cars on station, while we have the cargoes of two sailing-vessels, the Osprey and a French bark, a large part of which is for Panama, besides constant arrivals.

This stoppage has also interfered seriously in the matter of funds with which to meet our payments. Mr. Hunt's collections have almost entirely ceased for the past two weeks, and it is uncertain how soon he may be able to collect September bills. It has, therefore, been necessary for us to draw for money rather than defer our payments, which I trust will be approved.

I am your obedient servant,

TRACY ROBINSON,
Acting Superintendent.

[Inclosure 3, in inclosure in No. 15.]

Mr. Robinson to Admiral Almy.

ASPINWALL, October 6, 1873.

SIR: I beg you will pardon my delay in making this formal acknowledgment of the very great debt of obligation under which you have placed the Panama Railroad Company, of which I have the honor to be the temporary representative on the Isthmus.

Verbally on the 27th ultimo I requested Commander Brown to transmit so much in substance to you, and nothing but an unremitting pressure of care, coupled with illness, has prevented my earlier acknowledgment, in this form, of what I may be permitted to call the *invaluable* services rendered by yourself and the officers and men of the United States Navy under your command in the protection of the transit during these troubled times. With the hope of having the privilege of thanking you in person,

I am, sir, with great respect, your obedient servant,

TRACY ROBINSON,
Acting Superintendent Panama Railroad Company.

[Inclosure 4 in inclosure in No 15.]

Mr. Dow to Mr. Keeler.

PANAMA, October 7, 1873.

DEAR SIR: In continuation of my respects, No. 74, by previous steamer, on the political condition of affairs here, I now beg to report the following events, as having transpired since that time.

At the time of closing the letter referred to, rumors were rife that the rebel party intended attacking the city the same night, (22d,) and so convinced of this was the inside party, that the president of the state sent to the United States consul a verbal request to ask the admiral, commanding United States force in these waters, to land a force from the United States steamer Pensacola and the Benicia for the protection of foreign interests in this city, and the property of the railroad at the station.

The night of the 22d passed without any offensive movement on the part of the rebels.

Late in the afternoon of the following day, (23d,) the admiral sent on shore to this depot an effective force of one hundred and twenty men, and two howitzer guns, upon the arrival of which the Federal squad of fifteen men, mentioned in my last, were withdrawn to the city.

About 1 a. m. on the 24th, the rebel forces secretly left their camp, and approaching the city under cover of the darkness, opened fire on it from the windows, and from loopholes made in the stone walls of the houses which they had taken possession of in the suburbs.

The government, expecting an attack, had already for some days had its force disposed in houses along the line of the city walls, and from these sheltered positions the fire of the rebels was returned. All through the following day, and through all the succeeding nights and days, the fire was kept up, with occasional intermissions on both sides until last night, when the rebels vacated their positions and retired in good order to their camp at Faufau, beyond the Rio Grande, where it is said they will remain until peace is made by negotiation, or until with re-enforcements of men and materials they can renew the fight with better chances of success. Fighting as they have been on both sides from behind stone walls, the list of killed and wounded is small. For these particulars I must refer you to the newspapers which go forward by this mail.

Referring to the United States naval force on shore, I may remark that on the 23d, as already stated, there were landed one hundred and twenty officers and men and two howitzers from the flag-ship Pensacola. On the 25th this force was increased to one hundred and sixty-six officers and men and three howitzers, and on the 26th to two hundred and fifteen officers and men, this last being the maximum number at this depot at any one time.

On the 27th an additional force of twenty-five officers and men with a howitzer were disembarked from the Benicia and sent to the *cabildo*, or city hall, accompanied by seventy-two officers and men with one howitzer from the depot, making the total force on shore two hundred and forty men and four guns, one hundred and forty-three of which from the Pensacola were continued at the depot.

On the 4th all the Benicia's men returned to their ship, and on the 6th instant (yesterday) the force at the dept was reduced to seventy-nine officers and men with two howitzers, which is the only force now remaining on shore.

The commanding officer on shore has suggested to the admiral, now that the rebel force has retired and communication with the city by land is again open and unrestricted, and the fighting between the belligerents is virtually over, for the present at least, that this last-named force be still further reduced to twenty-five officers and men with one howitzer, which is quite sufficient and may be necessary for moral effect, in which I agree with him. The officers and men from the Pensacola, those now here, have been on shore two weeks to-day, and, as a matter of course, they are anxious to return.

Before closing this part of my letter, referring to the political and military condition of affairs here, I may be permitted to say of our naval officers and men, who have been the guardians of the company's valuable and exposed property, that they came promptly and cheerfully to its protection. Exposed as they have been to rain and sun, and insufficient accommodation, I have yet to hear the first murmur of dissatisfaction or discontent from either officer or man. I consider them well entitled to the special thanks of the company.

One more allusion and I am done, and that is to the serious interruption during the continuance of hostilities to the work of embarking and disembarking passengers and freight from our depot-wharf. For the first two or three days after hostilities broke out interruption was almost complete, as it was difficult to find men to do the work. Subsequently the work was carried on with some degree of regularity, but still under great disadvantages, by reason of the presence of many women and children who had

abandoned their homes for the security afforded by the wharf and the buildings at the depot.

Another and greater inconvenience than all, and which was constantly attended with danger to the lives of all the officers and clerks of the company, was the cutting off of communication by land with the city, where they all of necessity reside, and which forced them from the morning of the 24th ultimo until yesterday morning, a period of thirteen days, to go backward and forward between the city and the depot-wharf in small boats, and literally under fire of the rebel guns, and hardly a day passed that there were not some to tell their experience of a hair-breadth escape from passing shots while making the passage. Another great inconvenience of this means and course of travel was the tides, which for three hours every day entirely interrupted communication. But, notwithstanding the danger from passing bullets and the many inconveniences to which they were subject, the duties of the different departments at the depot were carried on with as much care and attention as in ordinary times, and the company's interests were not permitted to suffer by neglect.

Yours, &c.,

JOHN M. DOW,
Acting Agent.

DENMARK.

No. 188.

Mr. Cramer to Mr. Fish.

No. 228.]

LEGATION OF THE UNITED STATES,
Copenhagen, January 14, 1874. (Received January 30.)

SIR: In addition to what I have already communicated to you in my No. 226, of the 9th instant, concerning the absence of any foundation for the truth of the report that Germany is in treaty with Denmark for the acquisition of the Danish West India Islands, I have now the honor to inform you that yesterday I took a walk with the chargé d'affaires of the German Empire, (the minister is absent on a congé,) and in the course of our conversation I asked him about the truth of the report in question. He stated to me that there is positively no truth in it. Before leaving Berlin for this city, about two months ago, he said he was specially charged to give a positive denial of the truth of the said report.

I have, &c.,

M. J. CRAMER.

No. 189.

Mr. Fish to Mr. Cramer.

No. 146.]

DEPARTMENT OF STATE,
Washington, May 5, 1874.

SIR: The steamship Washington, which arrived at New York on the 29th ultimo, brought as steerage-passengers six convicts, who had been discharged from prison in Denmark. It is alleged by the commissioner of emigration that they were sent hither by the Danish government, their fares having been paid by the police authorities of Copenhagen. The names of these persons are Frederick Oskar Hielen, Christian Johan, Edward Möller, Niels Steffenson, Ola Leonhard Bachmann, Peter

Petersen, and Frederick Wilhelm Schulian. Each of these convicts had in his possession a draft for \$7.60, drawn by N. P. Fredericksen on the American Emigrant Company.

All but Schulian have been prevented from landing, and will be returned to Copenhagen by the *Washington*, sailing on Saturday next.

You are instructed to bring these facts before the Danish government, and also to have a rigid inquiry made into this case. This Government cannot but suppose that the commissioners of emigration are in error in supposing that His Majesty's government has participated in this unusual and unfriendly act.

I am, &c.,

HAMILTON FISH.

No. 190.

Mr. Fish to Mr. Cramer.

No. 148.]

DEPARTMENT OF STATE,
Washington, May 8, 1874.

SIR: Referring to my No. 146, respecting the Danish convicts sent to New York from Copenhagen by the *Washington*, I have now to inform you that Mr. Hegermann Lindencrone had an interview with Mr. Davis on the subject at the Department to-day.

Mr. Hegermann Lindencrone said that he understood that this Government was going to send back to Copenhagen some Danish emigrants.

Mr. Davis replied that it was true that this Government had refused permission to land some Danish convicts who had been sent out here.

Mr. Hegermann Lindencrone said that the persons referred to had served out their terms as convicts, and had come like other emigrants.

Mr. Davis answered that the information received by this Government was not exactly to that effect, and he asked Mr. Hegermann Lindencrone whether he had any personal knowledge on the subject.

Mr. Hegermann Lindencrone replied that he had not, except that he was informed that the persons had served out their terms as convicts. If they had been sent here, it was doubtless by some persons who desired to reform them, or possibly by the police, certainly not by the government; and he suggested that, if we would consent to defer sending the convicts away, it would give an opportunity for inquiry.

Mr. Davis replied that it was not for a moment to be supposed that the Danish government had sent these persons here; we felt sure that it could not have been a party to so unfriendly an act. But we were convinced that the persons were convicts, although they might have served out their terms; and we felt equally sure that they were not voluntary emigrants, but had been sent here. If, therefore, Mr. Hegermann Lindencrone could give no assurances to the contrary, we thought it due to his government to send the persons back, in order that it might have the means of investigating the subject, and an opportunity to punish those who had sent them here. He added that you would receive full instructions on the subject, and that this Government would not consent to make this country a refuge for either paupers or convicts. These persons, therefore, would go back to-morrow, unless Mr. Hegermann Lindencrone could give an assurance that we were mistaken in their character.

I am, &c.,

HAMILTON FISH.

No. 191.

Mr. Cramer to Mr. Fish.

No. 271.]

LEGATION OF THE UNITED STATES,
Copenhagen, August 20, 1874. (Received September 9.)

SIR: I have the honor to send you, herewith inclosed, an account of the festivities connected with the one-thousandth anniversary of the settlement of Iceland, in which His Majesty the King of Denmark took a prominent part. The said account contains, also, a synopsis of the leading features of the constitution granted to Iceland by the King of Denmark, which constitution went into effect on the first day of this month.

The said account was taken from the London Times of August 17, 1874.

I am, &c.,

M. J. CRAMER.

[Inclosure in No. 271.]

Concerning the one-thousandth anniversary of the settlement of Iceland. (From the London Times of August 7, 1874.)

[From an occasional correspondent.]

REYKJAVIK, July 29.

I write to-day under difficulties, for we have had a mighty tossing to go through on our onward progress since we left Faroe last Monday at 4 o'clock in the morning. Having glided along a perfectly calm, almost satin sea, for some hours, unmistakable indications of a rising south-southwest wind began to manifest themselves, and before long these manifestations had found a final realization in a tolerably stiff gale, accompanied by a sea such as only the North Atlantic can roll up when the wind has traveled on for a long time. But the gallant little steamer pushed onward, upward, northward, through a succession of alternate glooms of passing fogs and brightening lifts on the horizon. Late on the 28th the Westmen's Isles (Vesmanneyjar) broke suddenly through the general dimness and uncertainty of the view, with their jagged sky-line and abrupt precipices. Having in vain attempted for an hour to rouse the inhabitants, for the purpose of being piloted into the harbor, we put to sea again, and early the following morning we found ourselves hurled by gale and a terrific sea along the mountain-range tapering off into the Reykjanes. We anchored in the bay of Reykjavik shortly after 4 o'clock to-day, and soon found ourselves in the shingly streets of the capital of Iceland. The name of the place means Reekwick or Steam-bay, and is derived from some hot springs in the neighborhood. Every house in the place is built in the gable-style of architecture, if such manner of house-building deserves indeed such an artistic-sounding name. The shore is lined with the store-houses of the merchants, each of whom is a seller of everything for which he can find market in the country, with the exception of medicines, which are sold by monopoly, under the supervision of the state. Some of these stores aspire to a certain degree of loftiness—loftiness for Iceland, mind—and have their façades, painted in various degrees of dull shades, when not simply covered over with tar, turned sea-ward, with their one or two rows of small square windows, admitting light on the principle of saving, and air on the principle of resistance. The foreshore is traversed by some half-dozen "bridges" or piers, at which landing is effected in boats from the ships lying in the roads. As you land and enter the capital you find that it is regularly built, along straightly laid out streets, with open gutters on either side of the main road, directly under the windows of the houses which line the streets, the windows, in the majority of cases, being so low that you can see into and through the houses as you pass on.

There are public buildings in Reykjavik, but not many; such are the college, the public library, the cathedral, the hospital, the printing-press—a national property—the governor's residence, and the jail. The most important in size is the college—a square, uninteresting building of wood, brick, and lime, already tottering to its fall in the twenty-ninth year of its existence. The cathedral, another modern building of a nondescript sort of style of architecture, stands also on the verge of its collapse, the building having been completed in the same year as that of the college. It appears the builders of these edifices were not aware that mixing salt sea-sand with the mortar

must necessarily destroy them in a short time, nor that, unless means were adopted for arresting the capillary attraction, the humidity ascending from the damp soil of undrained Reykjavik must necessarily accelerate the destruction at an incalculably rapid rate. The fate of these buildings seems likely to be shared very soon by the lately-erected public library, a stone structure in the immediate vicinity of the college, which already has accumulated in the porous stone of which the walls are made such an amount of damp that the walls in winter grow alternately rimy and dripping according to the changes of the atmosphere from thaw to frost, or the reverse. This building was erected only a few years ago, out of funds bequeathed for the purpose by the late Mr. Kellsall, of London, who is also reported to have bequeathed his library to Iceland at the same time. His money has come to hand; his books are probably still on the way. The residence of the governor, in common with many other institutions of the world, traces its history back to humble origin, having served as a house of correction, until it was found that the country was barren of criminal, as, indeed, of any other productiveness, and the edifice arose from its aimless humility to do service for a higher purpose. This year it will be elevated into the rank of a royal residence for the first time in its history.

Socially speaking, the capital of Iceland consists of three main elements, the civil and ecclesiastical functionaries, the mercantile community, and the so-called *Tómthússmenn* (i. e. empty-house men,) people who cultivate no grass and, consequently, keep no cow. The absence of the cow from an Icelandic household constitutes its "emptiness." A fourth class might, perhaps, deserve mention, namely, the class of the poor, which is here pretty numerous, the support of whom falls very heavily on the community at large. The class of the civil functionaries is made up of the governor, *Landshöfðingi*, the governor of the West and East, who receives the title of *Amtmadr* (from German *Amt*) *yfir Sodr og Vestramti*, the mayor (*bæjarfógeti*), the so-called *Landsskrifari*, or official secretary to the governor; the postmaster, the *Landfogesi*, or public accountant, and several others of minor prominence in the administrative community. The ecclesiastical element is represented by the bishop, the learned Right Rev. Dr. Pjetursson, the head master of the Theological Seminary; Mr. Melsted, a layman, strange to say, and his three assistant masters, and the dean of the cathedral. A sort of intermediate link between the civil functionaries and the ecclesiastical representatives is formed by the college masters, at the head of whom the learned Jón Thorkelsson has lately been placed by the government of Denmark. These men, together with the resident students and graduates, form the literary aristocracy of Reykjavik. The commercial community plays a part in the social life of the place far beyond that which its education and literary attainments would elsewhere entitle it to. The fact is that this is the wealthy class of the town, and finds by its wealth the way to the fore, which otherwise would be barred to it. The greater number of these people are Danes; but their number and influence, though still considerable, are fast waning here as elsewhere, before the national co-operative associations, which of late years have sprung up over the country, with a view to wrenching the trade of the island out of the hands of the Danes. The attempt promises to be successful, and will in that case have a wonderfully improving effect upon the country generally, as all the moneys which are now drawn out of the country by the Danish merchants at Copenhagen will find circulation and employment in the country itself, and thereby will largely contribute to the awakening of the yet dormant spirit of enterprise in these latitudes. The class of the *Tómthússmenn* is, generally speaking, the fishing class; it outnumbers all the other classes put together, and supplies exclusively the paupers of the place. The habitations of these empty-house men are mostly sod-thatched cots with a wooden gable, facing the road in front of them, through which a door lends access to the interior, where, on the ground, is found the kitchen, the pantry, and the guest-stove or guest-chamber, while an ascent is effected aloft by a ladder to the dormitory of the family, which is generally divided into two portions, with a partition of deal-panelling between; man and wife, and sometimes children, occupying one portion, and the servants the other. Air is invariably admitted in a far too miserly measure, and the space allowed for breathing inside these houses is calculated to cripple life in its tender stages and to breed fever and pestilence. It speaks volumes for the purity and vitality of the Icelandic atmosphere that these habitations should be tenanted by a generally able-bodied and tolerably healthy population. The main reason for this is, no doubt, that these "empty houses" are built on the two eminences which from east and west rise above the low dale in which the heart of the town is situated, the substratum, moreover, being lava heaped together more or less loosely, so that water runs not only rapidly down the hillsides, but also rapidly through the soil. Reykjavik presents by no means the aspect of a community spending a life of an unbroken and misty dullness. There are evening parties here of not unfrequent occurrence, although generally arranged on the principle of social exclusiveness, and family dances and public balls generally enliven the long nights of winter. Private theatricals, too, form a large item in the midwinter pastimes, and are open to the public at a low rate of payment, and are, as I need not add, eagerly sought and attended.

In summer the life is more or less one of change and excitement in various degrees owing to the growing influx of foreign tourists and other visitors, as well as the common custom of utilizing every fair Sabbath for social excursions on horseback into the country, and complaints are sometimes heard of these excursions being more numerous attended than the cathedral church.

JULY 30.

It was perhaps well that I could not continue in bed after 5 o'clock this morning, as I have had an opportunity of witnessing alone and undisturbed the loyal solicitude wherewith these unsophisticated subjects of King Christian IX mean to welcome him to-day. In every direction hands are busy removing from the not over-cleanly streets of Reykjavik whatever eyesores may possibly meet the casual glance of the sovereign. The gutters are cleaned out and the refuse removed to such a distance that pollution of the sweet air of the place is impossible. Flag-staffs are being arranged, now attached to the house-tops, now slantingly thrust out of open windows. The pier where His Majesty is to land is decorated with red cloth under foot, and festoons are hung on either side of it supported on poles, and terminating in what is meant to represent a gate of honor. The festoons are made of homely herbs, chiefly heather of various kinds, interspersed here and there with tiny Alpine flowers, which give a delicate relief to the heavy heather-bloom. Altogether, these festoons are very tastefully arranged and knit in quite an artistic manner. The gate of honor represents a canopy resting on bare wooden poles and terminating in a red cushion at the top supporting a crown. To the right of the pier is erected a stand for the fair sex, where, as they are not expected to cheer His Majesty, it being considered an unladylike proceeding, they are to wave him their welcome with white handkerchiefs. A watchman is already stationed on an eminence above Reykjavik at the so-called college-beacon, whose business is to give the signal when His Majesty is sighted for the ships in the harbor to decorate. The harbor itself presents an unusually festive appearance. There is a German man-of-war sent specially for the occasion; a Swedish, under the command of Admiral Lagerkrantz; a Norwegian, with a deputation on board of Norwegian students, litterateurs, and poets, the latter two sent by order of King Oscar of Sweden. Then there are two French men-of-war and a Danish gunboat, besides a goodly variety of other craft of various sizes. Shortly before 1 o'clock the Jylland passed through the assembled men-of-war, from the manned yards of which there re-echoed a loud and long hurrah. As soon as she had dropped anchor, Governor Finsen went on board to pay a visit to His Majesty, and soon returned with the message that he would land punctually at 2 p. m.

At 2 o'clock precisely the first king who ever set foot on Iceland stepped ashore in the person of His present Majesty of Denmark. On the pier he was received by the corporation of the town of Reykjavik and by the public functionaries resident in the town. He had expressed a wish to the governor that he might not receive an address, but the short address here following was presented:

"Most Gracious King: At the moment Your Majesty steps ashore in Iceland—the first king who, during the thousand years this country has been inhabited, has set its foot on its soil—I may be permitted, in the name of the whole country, and especially in the name of the town of Reykjavik, to bid Your Majesty a cordial welcome.

"Most Gracious King: Iceland is a poor country, considering the scarcity of its inhabitants and the condition of their material comforts; but if regard be had to the memories of the past thousand years, then Iceland is a wealthy country, and it abounds no less in loyal faith and love to Your Majesty. Our millennial festivity, therefore, becomes double glorious, both by Your Majesty's presence and participation therein and by the free constitution wherewith it has pleased Your Majesty to inaugurate this jubilee; and thereby the feast has become not only one of memories but one of joy and hope; joy at seeing our beloved ruler among us; hope of a vigorous and happy development of the intellectual and material forces of Iceland.

"Most Gracious King: By these two events Your Majesty has created for yourself in the history of Iceland a memory which will never fade away, but will be faithfully cherished in a grateful recollection as long as this country exists. Every Icelander meets Your Majesty, therefore, with jubilant 'welcome,' and prays Almighty God to let his blessing descend abundantly over Your Majesty and your royal house.

"Long live our beloved King, His Majesty King Christian IX."

To this address His Majesty replied, to the effect that there had never existed a doubt as to the sincerity of the attachment of the Icelanders to their sovereign. It was to him a matter of great joy to find himself amid his faithful Icelanders, and he hoped the constitution he had brought with him would prove a powerful aid toward what he had especially at heart—the intellectual and material development of his beloved Icelandic subjects.

After this reply had been delivered, the governor introduced the official assembly on the pier, whereupon His Majesty walked up towards the assembled crowds and was greeted by a loud Icelandic cry from the multitude, "Long live our King Christian IX," while the women wafted unsparingly their white kerchiefs, thus giving a spark-

ling kind of effect to the welcome, which was really a very enthusiastic one for Iceland. His Majesty was now escorted on foot, preceded by the mayor of Reykjavik, to the place where he had intimated it was his pleasure to reside during his stay in the country, and as he approached the gate another crowd, apparently as numerous as that which had greeted him at the pier, received him with repeated and hearty cheers, to which he graciously bowed his pleasure. Approaching the door, he was met by Mrs. Finsen, who in a very homely but exceedingly graceful manner came down the steps leading up the terrace to the entrance and bade her Sovereign and guest "many times welcome." Immediately on entering the house His Majesty gave audience to the public functionaries and the corporation of Reykjavik, whereupon the official and formal proceedings of the day came to an end.

His Majesty is accompanied by his son, Prince Waldemas, and several distinguished persons, such as Chamberlain Baron Holten, Adjutant Hedemann, Mr. Klein, who is to be minister for Iceland from next Saturday (August 1;) Professor Steenstrup, the antiquarian; Professor Sorensen, a famous Danish sea-painter; the young poet, Carl Andersen, who acts as interpreter to His Majesty, and several others. Among the distinguished Danes not of the royal suite who have come to witness the proceedings, I may mention the learned Dr. Rosenberg, a phenomenon among his people, as being the only one who has had the courage persistently to advocate the cause of Iceland against Denmark, and Mr. Kaufman, a young poet who has brought Iceland on this occasion the best poetical greeting it has received from Denmark. Of the Norwegian deputation I will content myself with mentioning Mr. Kildal, Mr. Rolfson, Mr. Janson, the poet, and Mr. Storm, who has lately obtained the gold medal of the Royal Society of Sciences of Copenhagen for a work on the sources of Snorri Sturluson's *Heimskringla*. These Norwegians are all men of ability, Mr. Kildal and Mr. Rolfson particularly having won great names among the people for fiery eloquence as Janson has for poetry. I should become too much of a mechanical chronicler if I were to enumerate the number of people who have come here on this occasion as representatives of foreign journalism. But as a curiosity I cannot refrain from mentioning that a Russian paper of St. Petersburg and a Hungarian paper of Buda-Pesth have sent each a correspondent here.

AUGUST 1.

To-day a great change is made, theoretically at least, in the relations between Iceland and Denmark. Iceland ranks now among the constitutional entities of political Europe. The constitution which was promulgated on the 5th of January last comes, or rather has come, into force to-day, according to the provisions of its last paragraph. It was, perhaps, wise of the advisers of the King not to introduce it with any pomp or ceremony this morning, for that ceremony would have thrown a damper on all the succeeding ceremonies, which have, in reality, nothing to do with the constitutional change. It is not necessary here to go through the history of the long struggle which preceded the eventual grant of the constitution. On the part of the King the grant becomes an act of gracious generosity; for it is a well-known fact that the King has never thrown himself in the way of the wishes of his Icelandic subjects in this matter. The question has never met with any resistance from the dynasty, but only from the national liberal party in Denmark, whose object it has been all along to make the Icelanders the subjects of the Danish subjects of their King. There has been so much said about the liberty granted by this constitution that I cannot do better than give an accurate *précis* of the more important of its provisions, in order to let the reader judge for himself.

This document, which purports to regulate only home affairs, is divided into seven chapters. Chapter 1, sections 1 to 13, deals with the relation between the King and the government on one side and the legislative assembly, the althing, on the other. Paragraph 1 provides that the legislative power rests with the King and the althing, the executive power with the King, and the judicial power with the judges. Iceland has no voice in imperial questions, while it is not represented at the Rigsdag at Copenhagen, and consequently pays nothing toward imperial expenditure. 2. The King has supreme power in all home affairs, with such restrictions as are provided in this constitution, and executes that power through the minister for Iceland. The highest power in Iceland is to be given to the governor, (*Landshöfdingi*), who is appointed by the King. 3. The minister is to be responsible for the constitution being faithfully observed. The althing, on its part, has to call the minister to account, according to rules to be framed hereafter. If the althing have reason to complain of the manner in which the governor brings his power to bear, the King decides, should the althing demand it, in each particular case, whether and how he may be called to account for his acts. 4. The King grants all such offices as he has granted hitherto. This may be altered by law. No one is to be appointed to a public office in Iceland unless he be a Danish subject by birth and have the requisite knowledge of the language. Every functionary is to take oath to the constitution. 5. The King summons the althing to a session every other year. Without special royal consent the session may not last longer than six weeks at a time. 6. The King can summon an extraor-

dinary session of the althing when he pleases, and decides how long such a session is to last. 7. The King can prorogue the regular althing for a certain time, but never longer than four weeks, unless the althing consent to it, and never more than once a year. 8. The King can dissolve the althing, in which case new elections shall be called within two months from the date of dissolution, and the althing be summoned for the next year following the dissolution. 9. The King can order draughts of bills and resolutions to be laid before the althing. 10. The consent of the King is requisite before any resolution of the althing can acquire the force of law. The King takes care that the laws be promulgated and obeyed. If the King have not sanctioned a draught of a bill passed by the althing before the next regular session of the althing, it is thereby annulled. 11. When especial need requires, the King can issue *ad interim* laws between two regular sessions of the althing. Such laws may not, however, conflict with the constitution, and in all cases they must be laid before the next althing. 12. The King has the power of reprieve and of general amnesty. 13. The King grants, directly or through the proper officials, privileges and exemptions from the law, according to the rules by which such questions have been regulated heretofore.

According to Chapter II, sections 14-18, as to the constitution and composition of the althing, thirty deputies are to be elected by the nation, and six chosen by the King. The number of the deputies elected by the people may be altered by law. The election of the deputies is generally valid for a period of six years, the commission of those chosen by the King to remain unaffected in case of dissolution. If a deputy die or a seat be otherwise vacated, the commission of the new member is to last only for the remainder of the period for which the althing then sitting is elected.

These royal commissioners have given very keen offense to the Icelanders, who are intensely loyal, and take the provision as an affront. Remonstrances have already appeared in print against this particular measure, and loud protestations to the effect that no royal functionary could be got to sit in the name of the King more loyal than any of the national deputies chosen at random. The effect will only be to create bad blood by creating an artificial opposition, the object of which could not be to defend any royal or dynastic interests, which require no defense in Iceland, but to back up a Danish minister in anti-national and Danizing tendencies.

This particular provision is borrowed from the Danish constitution of 1849. In Denmark, where it is well known the people are leavened through and through by republican elements, it may be necessary; but for the Icelanders, an aristocratic community throughout, and, like all people who have a compact historical tradition, strongly conservative in a national direction, the provision is, politically speaking, entirely off the mark, and mischievous from every point of view considered. 15. The althing is divided into two houses, the upper and lower. In the upper house twelve members have seats; in the lower, twenty-four. These numbers, however, may be altered by law. 16. The (six) king-chosen deputies have all seats in the upper house; the other six are chosen out of the number of the national deputies by the whole althing (both houses joined) for the whole period to which the elected althing extends. If a seat of a national deputy be vacant in the upper house during the period to which the althing has been elected, then, when the electoral district has returned its member, both houses of the althing meet in order to elect a deputy to the vacated seat in the upper house. Seventeen and eighteen regulate the franchise and define the civil conditions of those who are eligible to the althing; but they introduce no new regulations beyond those in force already.

Chapter III, sections 19 to 41, defines the legislative functions and co-operation of the two houses. 19. The regular althing shall meet the first working-day in July every other year, unless the King has previously fixed some other day for the meeting. 20. The place of meeting shall be Reykjavik. Under peculiar circumstances the King may fix upon another spot for the meeting. 21. Each chamber has a right to propose and pass draughts of bills; as either also has a right to send an address to the King. 22. Either house has a right, during the session of the althing, to appoint commissions in order to investigate matters of general interest. Either house can enable such commissions to demand information, by word of mouth or in writing, as they choose, both from public functionaries and private individuals. 23. No tax may be imposed, altered, or removed, except by law. No loan compulsory on the nation may be made, nor any national property be sold or transferred, unless sanction be given thereto by law. 24. No item of expenditure may be paid unless it be authorized in the general or the extraordinary budget. 25. As soon as the regular althing meets, a budget for the next biennial finance period shall be laid before it. Among the income shall be entered both the fixed contribution and the sinking contribution, which, according to the law regulating the position of Iceland in the realm, of the 2d of January, 1871, sections 5 and 6, is paid toward the home affairs of Iceland, yet in such a manner that the expenditure out of this contribution toward the highest public functionaries in the country and the royal commissary at the althing takes precedence of every other expenditure from the same. The draught of the budget to be laid always first before the lower house. The sting of this paragraph will not be understood by outsiders without an explanation.

The "contribution" here mentioned is the sum which the legislative assembly of Denmark at last paid over to Iceland from the sums which the latter claimed out of the Danish treasury as belonging to Iceland by absolute right. When it was impossible to dispute this right any longer, Denmark settled to pay one-fourth of what Iceland claimed, and a sinking-fund beside, and then passed an arbitrary law, which provided that by this arrangement the whole financial dispute was at an end—a law against which the althing has formally protested as not binding except for Denmark. Now, in order to choose some convenient name for this long-withheld payment, it is called a "contribution," and considered in this constitutional instrument as belonging to Denmark. Hence the primary object of it is to defray the emoluments of those who are supposed to stand in the most tender relations to that country—not to the King, necessarily, at all. It is strange almost beyond conception that disingenuous considerations of this kind should be allowed by any legislator to enter into such a momentously-important document as the constitution of a people's rights and liberties. 26. Either house elects an auditor, who is to be paid for his work. 27. No draught of a bill can be finally passed until it has been read three times in either house. 28. When a draught of a bill has been passed in one house, it shall be laid before the other in the form in which it was passed. If it then receive any alterations, it passes, with these, back to the house it came from. If alterations be still made, it goes back to the house it came from last. And if at this stage no agreement can be effected, both chambers form one house, wherein the affair is finally passed after one debate. But in order that a decision thus arrived at by the althing be lawful, it is requisite that two-thirds of the members of each house be present at the sitting and take part in the voting, in which case a simple majority rules the decision in the voting of each individual paragraph; but in order that a draught of a bill—saving the budget—be finally passed *in toto*, it is requisite that at least two-thirds of the votes given be in favor of the draught of the bill. Consequently, since two-thirds of each house must be present at the final debate on a hard-contested bill, it will always be perfectly legal and perfectly easy for any four members of the upper house, by their absence, to destroy utterly the legislative power of the country in such cases. 29. The althing decides itself as to the legality of the election of its members. 30. Every new member shall take his oath to the constitution immediately on his election being declared valid. 31. The members are only bound by their own conviction, but by no rules from their electors. Public functionaries are eligible to the althing, but must, if they accept the election, see that their offices are taken charge of while they are away, in such manner as may be satisfactory to the government. 32. During the session of the althing no member can be taken up for debt unless the chamber to which he belongs sanction the process; nor may he be put in prison, nor may a lawsuit be instituted against him, unless he has been taken in a criminal act. No member can be called to account out of the althing for language used in debate unless the house to which he belongs permit it. 33. If a member, lawfully elected, fall under such circumstances as carry with them forfeiture of eligibility, the right entailed by the election ceases thereby. 34. The governor shall have the right, in consequence of his official position, to take a seat in the althing and speak as often as he chooses, obeying, however, the rules of the house—an exceedingly unconstitutional provision, and one against which protests have been uttered already. It is, however, improved upon by an additional clause, according to which the government reserves for itself a right to commission a person to meet with the governor in the althing *ex latere*, ostensibly to supply the althing with such reports and information as it may demand from the governor, but in reality the clause is inserted with a view to furnishing a Danish governor with an interpreter. In other words, it is constitutionally declared that the office is not to be trusted to an Iclander. 35 to 41 are of no special interest.

Chapter IV, sections 42 to 44. Regulations for the judiciary powers.

Chapter V, sections 45 to 47. Regulations for the state church, the Evangelical Lutheran, and for religious denominations.

Chapter VI, sections 48 to 60. Various constitutional provisions relating to the freedom of the subject, the sanctity of home and private property, free exercise of industry, poor-law, elementary education, freedom of the press, freedom of association and assembly, rights of municipal government, taxation, and privileges which go with nobility, titles, and high position, all of which are to cease henceforth.

Chapter VII, section 31. Propositions with a view to altering or adding to this present constitution may be moved in an ordinary or extraordinary sitting of the althing at will. If such a proposition receive the due majority in both houses, the althing shall be dissolved forthwith and new elections called out. If the newly-elected althing give its consent to the proposition unamended, and if it obtain the royal sanction, it comes into force as part and parcel of the constitutional law. 62. This constitution comes into force on the 1st of August, 1874.

It is easy for any one who knows what political freedom is to realize for himself how far this is a liberal constitution or not. Most thinking politicians will regret that so slight an amount of reliance on the good faith of the Icelanders should be embodied

in it. But slender as its liberality is, it opens to the people a new school in politics, and even the experience which that school must necessarily bring to the benefit of the nation is always worth something.

• AUGUST 2.

This was not probably, but absolutely, the most solemn Sunday that this hyperborean people has seen for a thousand years. Harbor and town had put on an extra festive appearance. Every ship in the roads was decorated; every house ashore was decorated; every individual one met was decorated. At half past 10 the ceremony in the church was to begin, and, by virtue of the distinguished friends in whose company I made the trip to Iceland, I had a reserved seat set apart for myself and them in the cathedral, where eye and ear could best enjoy what passed during the solemnity. On approaching the cathedral a goodly number of mariners had been stationed outside to greet the sovereign. The crowd was very thick, but devoutly silent. We threaded our way through it and presented our tickets to the police stationed at the door, and were respectfully bidden to proceed to our allotted pew in the northern aisle. Sitting here silently and reviewing the scene, I had an opportunity of paying a close regard to the exceedingly tasteful decorations of the decrepit cathedral. Had I not been in it the day before and seen the ruinous state of the cemented walls, I could not have believed but that I was in a new church erected for the occasion. All along the front of the aisle galleries green festoons of thickly interwoven heather and Alpine herbage passed from column to column, supported by branched candlesticks from which wax tapers threw a subdued glare amid the bright daylight inside. The governor's pew, made royal for the occasion, was decorated in cloth and flowers in a manner for the taste and elegance of which I could not have given Reykjavik the credit had I not seen it myself. In like manner the apse, the altar, and the chancel were all bedecked with flowers and folded drapery, and the whole cathedral could only give one uniform impression—that of devotion to the august guest of the occasion. The service being an extraordinary one, (there were three services this day, whereas otherwise there is only one on ordinary Sundays,) the rite observed was an extraordinary one too, and the hymns sung were all specially composed for the occasion by the senior master of the theological college of Reykjavik, Mr. Helgi Hálfðanarson, with the exception of one which had been written by the poet Mattias Jochumsson, and set to music by a young Icelandic musician, Mr. Sveinbjörnsson, of Edinburgh, and declared even by Swedish connoisseurs to be a masterly composition of its kind. The choir of male and female voices mixed was singularly impressive, and every foreigner to whom I spoke coming out bore witness to the exceeding devotional and tender character of the singing, and the corresponding behavior of the congregation. The sermon was preached by the Right Reverend Bishop P. Pjetursson, while the dean of the cathedral, Mr. Sveinson, officiated at the altar.

At half-past 3 in the afternoon the people of Reykjavik assembled in the only square in Reykjavik, called Austrvöllr, or Eastfield, according to the programme of the committee of the Reykjavic festivities, for the purpose of marching in procession to the place called Oskjuhitd, about a mile and a half outside Reykjavik to the eastward, where the fête was to be held. The crowd could not have numbered less than 3,000 people at the least. As the procession moved on it was very interesting to see how eagerly every age strove to avail itself of the rare occurrence. Unfortunately the wind was boisterous; more unfortunately still, the committee had chosen the most exposed point to be found in the neighborhood of Reykjavik; and, most unfortunate of all, the space had been cleared of sward and stone, so that when the crowd arrived it stood in a cloud of dry dust, which in a very short time drove hundreds of the visitors away from the spot, and apparently destroyed, to a large extent, the popularity of the fête. I was too much interested in the proceedings to take any particular heed of either flying earth or dusty garments, and could not help paying my grateful compliments to the committee for their good taste in having fixed upon the finest point of view to be found round Reykjavik for the celebration of the rarest event in the history of the country. When friends and acquaintances had exchanged thoughts and sentiments for awhile, the proceedings began by the mayor of Reykjavik proposing a cheer for the King, who was not present as yet, which was cordially responded to by the assemblage; and then calling upon the senior master of Reykjavik College, Mr. Haldor Fridriksson, to memorialize the occasion by a speech on Iceland from the tribune. Mr. Fridriksson spoke at some length, but his speech was only a dry *résumé* of the more salient events in the history of the island, without being relieved by one single reflection throughout. It appeared to me a singular, and not altogether insignificant, omission on the part of the speaker, that when he had abruptly finished his speech he descended from the tribune without calling for a cheer for his own country. The omission, however, was speedily mended by some one in the crowd crying out with a stentorian voice, "Long live Iceland free and happy," a cry which was enthusiastically responded to. This speaker was followed by the head-master of the elementary school of Reykjavik, Mr. Helgi Helgasen, who, in an earnest and well-considered speech, proposed "The prosperity of

Denmark and of every worthy Dane." The speaker abstained from all political allusions, no doubt on purpose.

Shortly after 7 o'clock the King, who had been entertaining a company of natives and foreigners at dinner, arrived on the spot. By this time the wind had lulled down to an almost imperceptible breeze, and the peculiar blue which, after a dry windy day in Iceland settles upon and softens down distant mountain views, seemed now to envelope the whole horizon in a veil of slumbering peacefulness. As the King ascended the hill he was welcomed by what was meant to be a joyful royal salute, which terminated in all but fatal consequences. Some gunners from the Danish gunboat *Fylla* had volunteered to fire the royal salute. Six shots went off without anything happening, but the seventh carried off the hand of one of the gunners, and the eighth that of another, when the saluting ceremony came to an end. The misadventure did not come to the ear of the King till the festivity was all over. As soon as His Majesty made his appearance in the crowd he was received with greater enthusiasm than ever, and was conducted, together with his following, up to the tribune, where the former mayor of Reykjavik, Mr. A. Thorsteinson, received him with an eloquent extempore address, which was followed by Mr. Helgasen's choir singing a poem written for the occasion by Mr. Jochumson. The King answered in an exceedingly appropriate speech, expressing his pride at finding himself in the midst of the people who could boast of such memories as the Icelandic people could. He regretted sincerely not to be able to commune with the people in their own language, the once common tongue of the whole North. He hoped the constitution he had brought with him would prove a happy event in the life of the people. He would always cherish in dear memory the loyalty and devotion of his Icelandic subjects, whose welfare and prosperity he took the opportunity of proposing. At these words immense cheering went through the crowd assembled on the top of the hill in the immediate neighborhood of His Majesty, and was taken up by what groups had assembled on the hill-slopes and were as yet but dimly cognizant of what was going on.

After a few more speeches and songs the festivity at Reykjavik came to an end. Tomorrow the King repairs to the Thingvalla fête, where I mean to be beforehand, as horses and luggage are all ready to start at eight to-morrow morning.

No. 192.

Mr. Cramer to Mr. Fish.

No. 276.]

LEGATION OF THE UNITED STATES,

Copenhagen, September 5, 1874. (Received September 22.)

SIR: Referring to my No. 159, and its inclosure, of December 28, 1872,* in relation to the introduction into the three Scandinavian kingdoms of a common money system based upon a common gold standard, I have now the honor to inform you that the said common money system described in inclosure A of the said dispatch, having by law been adopted by the kingdom of Denmark, will be introduced and take effect on the 1st of January, 1875.

The Danish minister of finance has, on the 1st of this month, caused an official notice to be published, to the effect that all financial obligations entered into on and after January 1, 1875, shall be done on the basis of the said new money system, and that from and after that date all public and private payments shall be made in accordance with the unit of calculation of that system, namely, the *gold crown*, containing 100 öre, (or about 26½ cents gold.)

It might, perhaps, be well to inform the financial and commercial world of the United States of the foregoing notice.

I have, &c.,

M. J. CRAMER.

* See "Foreign Relations" for 1873, Part 1, page 215.

No. 193.

Mr. Hegermann to Mr. Fish.

[Translation.]

LEGATION OF DENMARK,
Washington, January 7, 1874. (Received January 9.)

SIR: The Great Northern Telegraph Company of Copenhagen commenced three years since to lay cables in Chinese waters, and its lines now connect the ports of Shanghai and Amoy with each other, and likewise with Japan, Eastern Siberia, and Hong-Kong.

Before commencing the work, the direction of the company addressed Mr. Burlingame, the head of the Chinese embassy, which was then at Copenhagen, asking for information as to whether the landing of cables at Chinese ports would be permitted. Mr. Burlingame having sent the satisfactory reply of which I have the honor to inclose a copy, any further application to the Chinese government in relation to the matter was deemed unnecessary. Although the company has not, for this reason, received a special and official authorization to lay cables along the coasts of China, and to establish telegraph lines and stations in the two aforesaid Chinese ports, the local authorities have, nevertheless, tacitly recognized that the operations of the company are authorized. At Shanghai they have assisted in the prosecution and punishment of Chinese subjects who have been guilty of thefts to the detriment of cables laid in rivers, and whenever telegraph lines have been destroyed or injured by acts of violence, they have promptly lent their aid to the company, and have performed their duties toward it in the most satisfactory manner, which duties have more than once been rendered difficult of performance by the condition of affairs in China and the national prejudice of the population.

Interruptions to the working of cables caused by premeditated acts of violence, have only occurred of late in places which are partly outside of Chinese territory.

The Chinese magistrates have frequently visited the telegraph stations, and, like the native merchants, they have made use of the electric wires for their own correspondence.

The only difficulty that has occurred, until quite recently, was raised by a local magistrate at Amoy, viz, the Tautai, who protested against the telegraph when, at the beginning of last year, the company established a station there.

This protest was followed by no results; but now, according to late advices received from the agent of the company, the Tautai at Shanghai, being irritated, as it appears, on account of an article which had appeared in the English newspaper published in that city, the tenor of which was very offensive to the feelings of the Chinese, has required that the telegraph line which connects Shanghai by land with the little port of Woosung should be removed, and that the station there established should be discontinued.

Mr. Seward, consul-general of the United States, and Mr. Medhurst, consul of England, having objected to these requirements, the Tautai is said to have submitted the matter to the government at Peking.

Although it is to be presumed that this incident will be followed by no results—it might perhaps even exert a beneficial influence upon the extension of telegraphic communication in the interior of China by calling the attention of the government to the great advantages that would accrue therefrom to the country—the direction of the company

cannot close its eyes to the fact that its interests in China will always be, in many respects, at the mercy of contingencies and arbitrary proceedings, so long as they shall not be under the protection of influential persons at Peking. The company is convinced that its future in China would be assured, and that the task which it has taken upon itself in the interest of civilization would be considerably lightened, if it could succeed in obtaining effective official support, near the Chinese government, from the legations of the powers represented at Peking, together with the adoption of direct measures in its favor by the Japanese government, which has at all times given evidence of great goodwill toward the company and its operations in Japan, and which, in view of its oriental character and the community of so many interests, must certainly exert a great influence at Peking.

The government of the King, having been solicited to express the desires of the company to the governments represented at Peking, has not thought proper to refuse compliance with this request, in view of the immense importance of the development of telegraphic communication in China to the commerce of the world in that country and in Japan.

It is, therefore, in obedience to the orders of my government that I have the honor, Mr. Secretary of State, to address to you the present communication, for the purpose of begging the Government of the United States to be pleased to grant the powerful support of its legation at Peking to the operations in China of the Great Northern Telegraph Company, for the sake of bringing the Chinese government to recognize and appreciate the great advantages of the ulterior development of telegraphic communication in that country.

I have also received orders to request the Government of the United States to be pleased to use its good offices at Yeddo for the purpose of inducing the government of the Mikado to exert its influence at Peking in favor of the company.

There is one more point which I am instructed to submit to the kind consideration of the Government of the United States.

The company has every reason to believe that some of the interruptions to which the working of the cable is from time to time exposed are due to acts of violence, which are prompted either by thoughtlessness and malevolence or by the calculating spirit of persons interested in stopping telegraphic communication at a given moment.

The company being unable by its own efforts to put a stop to these abuses, which are so detrimental to a regular and secure telegraphic service, it would be of the greatest importance to it to receive from the commanders of squadrons and of vessels stationed in Chinese waters—so far as this might be consistent with their duties—kind and active protection against these violent acts, which can be considered by the civilized world only as piracy and similar crimes, against which it is the duty of vessels of war to protect mankind.

Be pleased to accept, &c.,

J. HEGERMANN LINDENCRONE.

[Inclosure.]

Mr. Burlingame to Mr. Tietgen.

CHINESE LEGATION,
Copenhagen, October 22, 1869.

MY DEAR SIR: In response to your inquiring in relation to telegraphs in China, I have to say that in 1865, as United States minister, the Chinese government, refusing to grant a

right of way over land, consented that if a line should be laid in the sea it might be landed at the ports. This assent is attested by two interpreters, Dr. W. A. P. Martin and Dr. Williams, eminent sinologues.

By the favored-nation clause in the treaties with China, what is granted to one is granted to all, so that the connection you propose by the way of Possiet with Shanghai may be securely made.

Yours, &c.,

ANSON BURLINGAME.

No. 194.

Mr. Fish to Mr. Hegermann.

DEPARTMENT OF STATE,

Washington, January 22, 1874.

SIR: I have the honor to acknowledge the receipt of your note of the 7th instant. Under instructions from your government you invite this Government to instruct its legation in China to lend its aid in inducing the Chinese government to recognize and appreciate the great advantages of the ulterior development of telegraphic communication in that country.

Your government has also been pleased to instruct you to ask that the minister of the United States at Yedo may be directed to use his good offices for the purpose of inducing the government of the Mikado to exert its influence at Peking in favor of the Great Northern Telegraph Company at Copenhagen.

And you inform me, under instructions from your government, that it would be of great importance to that company to receive from commanders of squadrons and vessels stationed in Chinese waters, so far as it might be consistent with their duties, protection against violent acts.

The President will take much pleasure in directing the diplomatic representatives of the United States at Yedo and at Peking to report upon the necessity and upon the expediency of any such action by this Government in order to enable him to determine whether, in the absence of a reciprocal treaty in respect to submarine cables, the facts would warrant this Government in actively interfering in the manner requested by your government.

I take the liberty in this connection of reminding you that, as long ago as the 23d of November, 1869, this Government invited that of Denmark to join with it in measures for the protection of submarine cables, and that no reply to these suggestions has been received. The President is still of the opinion that the most efficacious protection would be afforded by means of a joint convention, as then suggested.

May I ask you to kindly recall this matter to the attention of your government?

Accept, &c.,

HAMILTON FISH.

No. 195.

Mr. Fish to Mr. Hegermann.

DEPARTMENT OF STATE,

Washington, April 29, 1874.

SIR: Referring to your note of the 7th of January last, I have the honor to inclose herewith, for your information, a copy of a dispatch of

the 9th of February, 1874, No. 19,* and of its accompaniments, from Mr. Williams, chargé d'affaires, *ad interim*, of the United States at Peking, relating to the protest made by the Chinese authorities against the action of the Great Northern Telegraph Company in that country.

Accept, &c.,

HAMILTON FISH.

No. 196.

Mr. Hegermann to Mr. Fish.

[Translation.]

LEGATION OF DENMARK,
Washington, May 3, 1874. (Received May 5.)

SIR: In having the honor to acknowledge the receipt of your note of 27th ultimo, I beg you to accept my sincere thanks for the documents which accompanied it, relative to the conflict which has occurred between the Great Northern Telegraph Company and the Chinese authorities, with regard to the establishment of a telegraphic line between Woosung and Shanghai.

The government of the King, to which I shall not fail to transmit the contents of your aforesaid note and its inclosures, will be highly gratified by the kind and efficient aid which the minister and the consul of the United States in China were pleased to lend to the Danish company on that occasion.

Be pleased to accept, &c.,

J. HEGERMANN LINDENCRONE.

No. 197.

Mr. Hegermann to Mr. Fish.

[Translation.]

LEGATION OF DENMARK,
Washington, June 14, 1874. (Received June 19.)

SIR: In the note which you did me the honor to address me under date of the 22d of January last, you expressed a desire to be informed of the views of the government of the King in regard to the draft of an international convention for the protection of submarine cables, which was transmitted to it in the month of December, 1869, by the minister resident of the United States at Copenhagen.

In the month of May, 1870, the royal ministry of foreign affairs sent this legation a communication, with instructions to transmit it to the Government of the United States in relation to said draft. That communication never reached its destination, and it is owing to this unfortunate circumstance that the reply of the King's government has not been laid before you, Mr. Secretary of State, before this.

The views of the government of the King in the matter in question

* For this correspondence, see under "China."

having undergone no modification since that time, I have received orders to communicate to the Government of the United States the following observations, which were contained in the instructions sent to this legation in 1870 :

In articles 1 and 2, it is stipulated that the privilege of laying and working submarine cables can be granted only in pursuance of an agreement between the two countries to be connected by the cables. The government of the King has no objections to advance against this principle, which, on previous occasions, it has usually followed itself; but it is of opinion that, in order to put it in practice, some easier way, and one better suited to the end than the one proposed in the draft, might be adopted. Instead of requiring direct conferences between the governments of two countries very distant, perhaps, from each other, the right might be given to each one of the two countries, by itself, to grant the privilege, with the proviso, however, that it should not be valid unless granted by the other country likewise. It would then become the business of the party receiving the privilege himself to obtain this indispensable requisite; the enterprise would still retain its private character, and would be carried out more rapidly if pushed by the interested party himself, who would, moreover, be better able to obtain satisfactory conditions therefor.

The proposition made in article 3 of the draft, viz, that the governments are to abstain from exercising any control over telegrams sent by international cables, is not in harmony with articles 20 and 21, compared with article 66 of the telegraphic convention concluded July 21, 1866, by the majority of the countries of Europe. The government of the King cannot deprive itself of a right of control which, especially in case of war, might be of great importance to the security of the state. It has reason to believe that other European states share its views on this subject.

Article 5 of the draught must doubtless be understood in this sense, that while an order from the proper authorities might, in the case mentioned under No. 4, exempt the persons in question from punishment, such an order would be without effect in the cases specified under Nos. 1, 2, and 3. In the opinion of the government of the King, it would be more natural to draw up a clause of this importance as an obligation binding upon the governments to issue no orders for the cutting of cables, than to choose the indirect method of saying that the governments engage to punish the guilty parties, whether these have acted in obedience to the orders of their own government or not.

Article 5 of the draft stipulates that the destruction or mutilation of a cable shall be punished as an act of piracy; according to the Danish penal code, the guilty party would, in that case, be condemned to hard labor for life. Such a punishment seems to the government of the King to be excessively severe, and it could not impose, for the crime in question, any penalty more severe than confinement in a house of correction.

Articles 7 and 8 contain stipulations which are not in accordance with the penal code now in force in Denmark, and would consequently require changes for which the government of the King would have to ask the consent of the legislative branch.

In making this formal reservation, the government of the King would not hesitate to adhere to the clauses of the article in question, the modifications to be made in the penal code not being very essential.

It is only as regards article 7 that it is necessary to observe that if the government of the King were eventually to engage to punish a non-Danish subject who, having committed the crime in question on the

high seas and on board of a vessel carrying a foreign flag, should afterward be found in Denmark, this obligation could evidently concern only the subjects of the states that should have acceded to the convention. It would be in violation of all international law to extend the jurisdiction of a country, in the case of crimes committed on the high seas, to persons sailing under the flag of a state which had not adhered to the convention.

It is only with these modifications and reservations that the government of the King will be able to conclude a convention for the protection of submarine cables on the basis of the draft presented by the Government of the United States.

I avail myself, &c.,

J. HEGERMANN LINDENCRONE.

No. 198.

Mr. Cadwalader to Mr. Hegermann.

DEPARTMENT OF STATE,
Washington, July 15, 1874.

SIR: I have the honor to acknowledge the receipt of your note of July 7, in reference to the report of the chargé d'affaires of the United States at Peking upon the question of the protest of the Chinese authorities against the telegraphic line between Woosung and Shanghai, and referring to the services of the American consul-general at Shanghai in that matter, and to say that it affords this Department great pleasure to learn that the efforts of the representatives of the United States have been of value to the interests of the kingdom of Denmark.

Accept, &c.,

JOHN L. CADWALADER,
Acting Secretary.

ECUADOR.

No. 199.

Mr. Wing to Mr. Fish.

No. 310.]

UNITED STATES LEGATION,
Quito, Ecuador, May 15, 1873. (Received June 9.)

SIR: In answer to Circular No. 38 from the State Department, I have the honor to report that I have to-day addressed a note to this government asking for the desired information, and have also made known the change in the American estimate of the English pound sterling for the future, involving an increase of two cents and six and one-half mills (.0265) on former valuation.

The assays and reports made by my predecessor, Hon. Charles R. Buckalew, fully cover this matter as it stands to-day.

No visible improvement has been made in the current circulating coin

of Ecuador beyond the recent introduction of a small percentage of our own silver, and a few thousand Peruvian "soles."

The major portion of the coin in use is worn out, and full of holes. Its real intrinsic value is far below the face standard.

As this government is now bent upon raising the standard and introducing a better type of current coin, it has impressed me that it may perhaps be advisable to wait a few months, or a year, until the old money is withdrawn, and the new issue substituted before making a fixed report to the Director of the Mint.

The government of Chili has consented to coin \$1,000,000 for Ecuador, and I sincerely hope that our own Government will be finally able to bestow a similar service, as per my dispatch No. 281.

I will report the answer of this government, however, upon its receipt.

I have, &c.,

RUMSEY WING.

No. 200.

Mr. Wing to Mr. Fish.

No. 321.]

UNITED STATES LEGATION,

Quito, Ecuador, August 11, 1873. (Received September 17.)

SIR: I have the honor to report that the Ecuadorian Congress was convened yesterday, after certain very imposing religious and military displays.

Per this mail, I shall have the honor to forward a copy of the President's message to the Congress. According thereto, the financial outlook of Ecuador is on the ascending scale; and the material development of the country quite promising.

It will be observed that in the course of the message the President recommends the remission of all duties on machinery imported from the United States.

I have, &c.,

RUMSEY WING.

No. 201.

Mr. Wing to Mr. Fish.

No. 326.]

UNITED STATES LEGATION,

Quito, Ecuador, August 28, 1873. (Received October 2.)

SIR: Referring to my dispatch 319, concerning the death of William C. Doval, I desire to make the following statement:

Upon my return from Guayaquil, while lying ill in Ambato, I received a copy of a publication made by certain American citizens resident in Quito, offering a reward of \$100 for the detection of the author of a shameful outrage upon the grave of the said Mr. Doval.

I inclose a copy and translation, Nos. 1 and 2, of this document.

So soon after my arrival in Quito as I was able to dictate a note, I addressed a communication (No. 3) on this subject to the government of Ecuador.

After a delay of several days, I received a reply, of which Nos. 4 and 5 are copy and translation.

On the succeeding day I addressed a second note (No. 6) to Minister Leon, on the same subject. In reply thereto I received his note, No. 7, of date 21st of August, of which No. 8 is a translation.

It will be observed that Minister Leon seemed disposed to controvert my statement that the outrage upon the grave of Mr. Doval was the third occurrence of the kind of which I had informed him during my official residence in Quito.

On the succeeding day, however, I was the recipient of a note, of which Nos. 9 and 10 are copy and translation, which, to a considerable extent, precluded the necessity of an answer to Minister Leon's note of the preceding day.

On the night of the 22d of August Minister Leon called at my room where I am still confined with inflammatory rheumatism, and in the presence of the English minister resident, Hon. Frederick Hamilton, stated to me in so many words that, in his note of the same day, he fully meant to admit that I had previously informed him of the outrage upon the grave of Colonel Phineas E. Staunton, assuring me, however, that for the time he had utterly forgotten the facts in relation to the violation of the graves of Mr. Minister Coggeshall and Colonel Staunton, some three or four years since.

These facts the Department will find explicitly set forth in my dispatch No. 29 of September 13, 1870.

I likewise have the honor to inclose copy of a note addressed to me by Minister Hamilton, in regard to the interview between Minister Leon and myself, which incidentally occurred in his presence.

Both Minister Hamilton and myself were of the opinion, upon examination, that Minister Neal's grave had likewise been desecrated.

I am not sure whether the Department is aware of the fact that the bodies of Minister Coggeshall, of the United States, and of Minister Neal, of England, remained unburied for more than one year after their respective deaths, having been simply stored away in a room at one of the hospitals.

This sad office was performed by Minister Hamilton, upon his arrival here in the beginning of 1868.

On the 22d of this month the police authorities of Quito, going outside of the municipal limits of the city, presumed to force the gate of the Protestant cemetery, although I am the custodian of the key thereof, and to again disinter the body of Mr. Doval, without any notification to myself.

I immediately wrote a strong note to Minister Leon on the subject. He called on me, however, before I had found time to forward it to him, and at his urgent request I finally withheld it, as he promised to stringently rebuke the police authorities, and attributed their act entirely to an ignorance of the whereabouts of the key, and the impression which would be made thereby upon their part.

The chief of police also called upon me and vigorously apologized for the act of his subordinates.

It seems that they found the coffin open, but that the body had its burial-clothes upon it.

I am thoroughly convinced, however, that these were replaced at the second opening of the grave, which was occasioned by the fear of the reward offered by the American citizens, referred to above.

In this opinion I find that all the intelligent foreigners of Quito agree with me.

Great feeling has been occasioned among the foreigners resident in Quito by the outrage.

I must candidly say that the government of Ecuador has shown great desire to detect and punish the criminals, and the President has exhibited a warm personal interest therein.

Colonel Staunton's tombstone, presented by the Smithsonian Institution, Williams College, and Ingham University, has not yet been recovered.

I have not received copies of all the evidence taken in the case, but will forward it so soon as I hold it entire.

Trusting that my action will receive the approval of the Department,
I have, &c.,

RUMSEY WING.

[Inclosure 2 in No. 326.]

\$100 REWARD.

We, the undersigned, offer a reward of \$100 to the person who delivers to us the authors of the exhumation and robbery of the grave of the deceased North American, William Doval, in the Protestant cemetery of the Ejido, leaving his nude body upon the ground.

Any information that can be given, will be received at the house of the North American minister.

CARLOS KAISER,
DR. WILSON,
FRANCISCO SCHMIDT,
WILLIAM SAEGER,
ARTHUR ROGERS,
FREDERICK WOODHOUSE,
FREDERICK FULLER,
S. A. DE FOREST,

and all the North American residents of this city.

QUITO, July 25, 1873.

[Inclosure 3 in No. 326.]

Mr. Wing to Señor Leon.

UNITED STATES LEGATION,
Quito, Ecuador, August 12, 1873.

SIR: On the 16th of last month William C. Doval, an American citizen resident in this country, died in one of the hospitals of this city. On the subsequent day he was buried in the Protestant cemetery. On the succeeding night the gate of the cemetery was forced, the grave of Mr. Doval opened, the clothing torn from his person, and his nude body left upon the ground.

In my absence, the American citizens in Quito offered a reward for the detection of the perpetrators of this foul act of desecration, of the publication of which I inclose a copy.

The body of Mr. Doval was again interred, and a second time was torn from its resting-place.

It is with the most painful sensations that I call the attention of your excellency to the fact that this is the third occurrence of the kind which I have laid before your excellency during my short official residence in this capital.

I am not disposed to believe that these outrages were performed by the common Indians of the country, as general report has it.

I need not assure your excellency of the intense feeling which will not only arise in my own country, but throughout Europe, when a knowledge of these outrages upon the bodies of Protestants deceased in Ecuador becomes public.

I have been informed that certain clues had been placed in the hands of the police of this city, which, if intelligently and honestly followed up, would lead to the conviction of the guilty parties. I cannot learn, however, that any efficient steps have been taken to that end.

Moreover, I desire to add that the tombstone over the grave of Colonel Staunton, one of the most distinguished scientific men of the United States, was stolen from its pedestal upon the night of the second desecration of Mr. Doval's grave.

I respectfully but decidedly request the co-operation of the Ecuadorian government in the detection of the parties implicated in these acts of infamy, and for the future I ask that some steps be taken to prevent a repetition thereof.

With assurances of my very distinguished consideration, I have, &c.,

RUMSEY WING.

His excellency Señor FRANCISCO JAVIER LEON,
Minister for Foreign Affairs, &c.

[Inclosure 5 in No. 326.—Translation.]

Señor Leon to Mr. Wing.

FOREIGN OFFICE OF ECUADOR,
Quito, August 19, 1873.

The undersigned, minister for foreign affairs for Ecuador, has had the honor to receive and lay before His Excellency the President of the republic your excellency's esteemed note of date 12th of the present month, in which your excellency informs the undersigned of the outrage that on two occasions has been committed by the disinterment of the body of Mr. W. C. Doval, an American citizen, who died in this city on the 16th of July last, and who was interred in the Protestant cemetery in this city; and also that the marble tombstone on the grave of Colonel Staunton was stolen from its pedestal.

The undersigned, previous to the reception of the indicated note of your excellency, was informed by Mr. Arthur A. Rogers of the particulars of this event, and, in virtue thereof, hastened to give the most stringent orders to the police authorities to inquire into the facts set forth.

In effect, these formalities having been completed, it appeared that no trace whatever existed of the mentioned crime of exhumation except the forcing of the lock of the door.

The undersigned, doubting the exactness of the assertion in this respect, and subsequent to the reception of the dispatch which he has now the honor to answer, ordered anew an examination of the facts, and the direction of the "procès-verbal," an authentic copy of which your excellency will find inclosed.

As this throws no light upon the perpetrators of the grave crime now being investigated, the undersigned hopes that your excellency will be satisfied with the activity and zeal of the government in the elucidation of the affair, which, were it certain, the government would have deplored like your excellency—a scandalous act of profanation, committed in the heart of a republic essentially humane and respectable.

In addition, the undersigned assures your excellency that he has the impression that, up to the present time, no information has reached him of any act of this nature, when all possible means would have been used looking to the punishment of the guilty parties.

With assurances, &c.,

FRANCISCO JAVIER LEON.

[Inclosure 6 in No. 326.]

Mr. Wing to Señor Leon.

UNITED STATES LEGATION,
Quito, Ecuador, August 20, 1873.

SIR: I had the honor to receive your excellency's note of yesterday last evening.

I am indebted for the efforts which your excellency's government is making to ascertain the perpetrators of the outrage upon the grave of Mr. Doval.

I am likewise fully persuaded that your excellency's government regards such acts of sacrilege with indignation and regret.

May I request, if any further evidence is taken in the premises, that I be furnished with copies thereof also?

I trust that the search for the culprits will be rigidly prosecuted, and that the beautiful marble tombstone stolen from the grave of Colonel Staunton will be found.

In conclusion, your excellency will pardon me for referring to certain circumstances which will, I am confident, recall to your excellency's memory the fact that your excellency has previously heard of similar outrages.

On reference to the archives of this legation, I find that in the first part of the month of September, 1870, (while I was making preparations for the disinterment of the body of my predecessor, Mr. Coggeshall,) I was informed that previous to my arrival at this capital the grave of Colonel Phineas E. Staunton had been violated, and that his body had been reinterred by certain of the police authorities, and that Mr. Coggeshall's grave had also been opened.

I was in the very act of addressing an official note to your excellency on the subject when your excellency did me the honor to pay me a visit at the office of my legation, in reference to the arrangements for the transmission of Mr. Coggeshall's body to Guayaquil. I then and there verbally made known to your excellency, through the agency of a distinguished gentleman now in Quito, what I had learned in regard to the profanation of the graves of Mr. Coggeshall and Colonel Staunton. Your excellency immediately promised to give stringent orders to the police authorities to do all in their power to ferret out the perpetrators thereof.

I was afterward the recipient of a note from your excellency of date September 10, 1870, in which I was informed that your excellency had hastened to put a knowledge of the outrage before the superintendent of police, in order that he might take the proper steps in relation thereto.

Subsequently, I informed your excellency, that upon the disinterment of the body of Mr. Coggeshall, it was ascertained that his wooden coffin had likewise been broken open, and that a portion of the interior metal coffin had been cut off and taken away, whilst the remains of the coffins, with the body inclosed, had been carelessly thrown back into the grave, without any regard to position whatever.

In this matter I spoke advisedly, as I, in common with the English minister and a number of other foreign gentlemen, was present on the occasion.

Feeling assured that your excellency upon reflection will recall these facts, and regretting that I am compelled to refer to matters so unpleasant of themselves,

I have, &c.,

RUMSEY WING.

His Excellency Señor FRANCISCO JAVIER LEON,
Minister for Foreign Affairs, &c., &c., &c.

[Inclosure 8 in No. 326.—Translation.]

Señor Leon to Mr. Wing.

FOREIGN OFFICE OF ECUADOR, QUITO, *August 21, 1873.*

I have had the honor to receive your excellency's esteemed communication of yesterday, and in reply, I am happy to inform your excellency that when possible I shall not fail to forward to your excellency everything that is discovered about the author or authors of the disinterment of the body of Mr. Doval, as the police authorities will continue their investigations.

I have as much interest as your excellency in the detection of this crime.

With assurances, &c.,

FRANCISCO JAVIER LEÓN.

[Inclosure 10 in No. 326.—Translation.]

Señor Leon to Mr. Wing.

FOREIGN OFFICE OF ECUADOR, QUITO, *August 22, 1873.*

The undersigned, minister of foreign affairs of Ecuador, has the honor to address his excellency, the minister resident of the United States of America, with the object of rectifying the idea contained in his communication of the 19th of the present month, as he did not remember at the time that other acts of violation of graves had occurred; but now having inspected the archives of this department, he has seen that in effect your excellency addressed the undersigned, notifying him that an act of this nature had occurred in the grave of Mr. Coggeshall, and that in consequence thereof the government of the undersigned used every measure in its power to discover and punish the culprits, as was communicated to your excellency on September 10, 1873.

Thus rectifying the idea alluded to, I am, &c.,

FRANCISCO JAVIER LEON.

[Inclosure 11 in No. 326.]

*Mr. Hamilton to Mr. Wing.*BRITISH LEGATION, QUITO, *August 24, 1873.*

DEAR SIR: In compliance with the request contained in your note of yesterday, I beg to state that in the interview which took place on the 22d instant between you and Señor Javier Leon, minister for foreign affairs, his excellency frankly admitted that you had personally brought to his knowledge the outrages perpetrated on the graves of Mr. Minister Coggeshall, and Colonel Staunton.

As I was present at the disinterment of the body of Mr. Coggeshall, I remember perfectly well that on arriving at the site of the grave, the ground had every appearance of having been disturbed, and that upon removing the earth which covered the coffin, I observed that the upper outer lid was broken in several places, and that half of the top of the inner zinc coffin had been completely removed and doubtless stolen, as no traces of it were to be found in any part of the grave.

I have, &c.,

FREDERICK HAMILTON.

HON. RUMSEY WING,
United States Minister Resident in Quito.

No. 202.

Mr. Wing to Mr. Fish.

No. 330.]

UNITED STATES LEGATION,

Quito, Ecuador, September 20, 1873. (Received November 4.)

SIR: I have the honor to forward per this mail the report of the minister of the treasury for Ecuador, to the present Congress. It will be found to be interesting in many particulars.

It will be observed that the national income for the past two years exceeds that of the preceding two by nearly \$1,000,000.

The domestic debt for manumitted slaves has been liquidated, and only one dividend to North American creditors remains unpaid.

There is an increase of 382,063 pounds (nearly 50 per cent.) in the coffee exports of 1872 over those of 1871 from Guayaquil alone. This is a matter which I have always regarded as of great importance to this country, and to the coffee commerce of the world.

It is pleasant, likewise, to see it officially stated that all of the machinery and articles of general utility purchased by the government are from the United States.

I am aware, also, that another large order has recently gone forward to New York, and that additional American engineers have been and are to be employed by this government.

The small number of American shipping entries in the port of Ecuador, as set forth in the report, will, I trust, be rectified at no very distant day.

Table Z shows the situation of all the light-houses and buoys on the Ecuadorian coast.

There has, of late, been much trouble in regard to the smuggling of silver out of the country, which has prevailed to such an extent as almost to enforce the cessation of specie payments.

It is probable that the salary of the President of the republic will be increased to \$20,000 per annum before the close of the present session of Congress.

I have, &c.,

RUMSEY WING.

No. 203.

Mr. Wing to Mr. Fish.

No. 331.]

UNITED STATES LEGATION,

Quito, Ecuador, September 25, 1873. (Received November 4.)

SIR: Herewith I forward Nos. 1 and 2, copy and translation, of a decree just issued by the President of the republic, whereby those persons accused of political offenses, now expatriated from Ecuador, are granted the privilege of return upon proper application, &c., to the minister of the interior.

I am much gratified to be able to forward this document to the Department, as it betokens a spirit so entirely at variance with that which generally controls the governments of the Spanish American republics.

I have, &c.,

RUMSEY WING.

[Inclosure 2 in No. 331.]

[From El Nacional, September 24, 1873.—Translation.]

Gabriel Garcia Moreno, President of the republic of Ecuador, considering—

1st. That by the fourth section of article 60 of the constitution, the power of conceding special pardons is invested in the Executive;

2d. That in the exercise of this faculty the government has pardoned those offenders for political offenses who have solicited it when they were not guilty of grave crimes;

3d. That it is willing to allow the return to the country of all who have left it for purely political reasons and wish to return thereto, and that it does not, nor can it, oppose the return of those fugitives from justice who may come to answer in the courts, and who are in the habit of concealing their ignominious precedents by giving themselves the name of political refugees—

Decrees:

1st. All those who may be without the republic, in consequence of their political action, who desire to return thereto, must send a petition to the minister of the interior, signed by themselves, to obtain a safeguard, which will be conceded them without prejudice to their responsibility for trial for common crime.

The minister of the interior is charged with the execution and carrying out of the present decree.

Given in Quito September 24, 1873.

G. GARCIA MORENO.

The Minister of the Interior,

FRANCISCO I. LEON.

No. 204.

Mr. Wing to Mr. Fish.

No. 334.]

UNITED STATES LEGATION,

Quito, Ecuador, October 10, 1873. (Received November 18.)

SIR: I am gratified to ascertain that the removal of all customs dues from American machinery is likely to prove a source of considerable revenue to our countrymen engaged in that line of business, who can now furnish such articles to Ecuadorian purchasers at cheaper rates than their European competitors.

I am already aware of several very large orders that will go forward to New York at an early day; and I have no doubt that these will be largely increased in the course of the coming year, owing to the great demand that is arising in all parts of this country for machinery of all classes.

As I expected, this action on the part of this government has created considerable feeling in certain European quarters.

I have, &c.,

RUMSEY WING.

No. 205.

Mr. Wing to Mr. Fish.

No. 342.]

UNITED STATES LEGATION,

Quito, Ecuador, November 12, 1873. (Received December 18.)

SIR: I have the honor to inform the Department that on Monday night last, at 11 o'clock, this city was shaken by a severe earthquake, which, in point of duration and force, surpassed any other since the fearful casualty of 1868. Such abject terror as was displayed by a large portion of the populace was incomprehensible, except as evincing a bitter and bloody experience in the past. Considerable property was destroyed, and it is feared that the beautiful, but already desolated, province of Imbabura has been again subjected to waste and havoc. All the bells in the city rang lustily with the shock.

As I am still very lame from my tedious and painful attack of inflammatory rheumatism, I was unable to leave my bed, though my house rocked like a vessel on a stormy sea, and I never remember to have been more vividly interested in getting into the open air.

I believe, from what I am informed, that by far the greater portion of the inhabitants spent the night in the streets and plazas, many of them with prayers and lamentations.

The movement of an earthquake is certainly a most unpleasant sensation, and as renewed shocks are hourly expected, there may be soon a repetition of the untold horrors of Iberra and Otovalo, so wofully smitten five years ago.

I have, &c.,

RUMSEY WING.

No. 206.

Mr. Wing to Mr. Fish.

No. 347.]

UNITED STATES LEGATION,

Quito, Ecuador, December 2, 1873. (Received December 30.)

SIR: Since the reception of dispatch No. 126 from the Department, I have had an interview with Minister Leon, who stated to me that thus far all efforts to discover the perpetrators of the outrage upon the Protestant cemetery near this city had proved unavailing.

He added that the search was still being prosecuted, and promised that the severest penalties would be inflicted upon the miscreants, in case of their eventual capture.

I have, &c.,

RUMSEY WING.

No. 207.

Mr. Wing to Mr. Fish.

No. 352.]

UNITED STATES LEGATION,

Quito, Ecuador, December 6, 1873. (Received December 30.)

SIR: Referring to my dispatch No. 349, I have the honor to state that having made known the contents of the communication of Sec-

retary Richardson to this government, I am requested, by authority of the President, to inform the Department that Ecuador is prepared to accept such code of signals, &c., as may be eventually agreed upon by the United States and other leading maritime powers.

I have, &c.,

RUMSEY WING.

No. 208.

Mr. Wing to Mr. Fish.

No. 354.]

UNITED STATES LEGATION,

Quito, Ecuador, December 12, 1873. (Received Jan. 19, 1874.)

SIR: Herewith I have the honor to forward copy and translation (1 and 2) of a recent decree of the Ecuadorian Congress, which may prove interesting in view of the religious agitation now so universally prevalent.

It is likewise shown thereby that the papal power has lost none of its strength in Ecuador, no matter how it may have fared in other parts of the world.

I have, &c.,

RUMSEY WING.

[Inclosure 2 in No. 354.—Translation.]

Decree of the Ecuadorian Congress, granting an annual tribute to the Pope.

The senate and deputies of Ecuador in Congress united, considering:

1st. That the Catholic population should contribute to the sustenance of the universal government of the Church;

2d. That this duty is more required at present when our sainted Father finds himself despoiled by iniquitous usurpations of his lands and incomes, and when no Catholic government should fear to comply; and

3d. That the circumstances of the republic permit to give in some manner a solemn testimonial of their adhesion to the sacred seat—

Decree:

ARTICLE 1. Ten per cent. of the part of the church revenues (diezmos) that belongs to the state shall be remitted annually by the Executive to the sainted Father during the embarrassing circumstances with which he is now afflicted, and as an offer of justice, loyalty, and reverence that the Ecuadorian people make to the head of the Church.

ART. 2. The present decree shall be considered in force as from the beginning of the present year.

Communicate it to the Executive for compliance and execution.

Given in Quito, capital of the republic, October 1, 1873.

The president of the senate,

ROBERTO DE ASCASUBI.

President of the house of deputies,

VINCENT LUCIO SALAZAR.

Secretary of the senate,

CARLOS CARCARES.

Secretary of the house of deputies,

PEDRO JOSÉ CEVALLOS.

Government palace in Quito, October 3, 1873.
Executive.

G. GARCIA MORENO.

The minister of state,

JOSÉ JAVIER EGUIGUREN.

No. 209.

Mr. Wing to Mr. Fish.

No. 356.]

UNITED STATES LEGATION,

Quito, Ecuador, December 28, 1873. (Received Feb. 5, 1874.)

SIR: Herewith I have pleasure in forwarding a plan of the survey of a high-road from Quito over the Andean crests to the bay of Caragues, on the Pacific coast, made by two young New York engineers, (Messrs. Rogers and Millet.) The road thus far is a great success, and will be supplemented by a railway at an early day. It will open one of the richest and most productive sections of Ecuador to easy traffic, and will soon establish a very important port upon the Pacific seaboard. It will also do away with the long and dangerous journey over Chimbo-razo so soon as it is completed, which will be within a few months.

The railway in process of construction from Milagro to Sibambe, and there connecting with the great highway to Quito, is being vigorously pressed under the direction of Mr. Henry McClellan, of New York, assisted by two young engineers, (Messrs. Curtis and Merrill) of the same State.

The high-road from Quito to Esmeraldas is also under the supervision of Mr. Saltar, of New York.

The material development of Ecuador promises well in the hands of the present progressive and capable President.

All this work has been done since my arrival in this country in June, 1870; and I am gratified that it will stand as a testimonial of educated American skill, science, and persistent energy.

This city has also been greatly improved in all respects within the past three years, and is now, I judge, the cleanest and best paved and watered capital in South America.

I have, &c.,

RUMSEY WING.

No. 210.

Mr. Wing to Mr. Fish.

No. 359.]

UNITED STATES LEGATION,

Quito, Ecuador, December 30, 1873. (Received Feb. 5, 1874.)

SIR: As evincing the intense Catholicism prevailing in this country, I herewith forward original and translation (1 and 2) of an enactment of the late congress.

I have, &c.,

RUMSEY WING.

[Inclosure 2.—Translation.]

Decree of Congress placing Ecuador under the protection of the Sacred Heart.

The senate and house of deputies in Congress united, considering—

1st. That the third provincial council of Quito has, by a special decree, consecrated the republic of Ecuador to the Sacred Heart of Jesus, placing it under its protection;

2d. That it belongs to the legislature to co-operate, in the name of the nation, in an act which, being so in conformity with its sentiments of eminent Catholicism, is also the most efficacious mode of preserving the faith and extending the progress and temporal welfare of the state:

Decree—

ARTICLE 1. The republic of Ecuador is consecrated to the Sacred Heart of Jesus, and is declared its patron and protector.

ARTICLE 2. The feast of the Sacred Heart of Jesus is declared a civic feast, with assistance of the first class, which will be celebrated in all the cathedrals of the republic, by the diocesan prelates, with the greatest solemnity possible.

ART. 3. An altar will be erected in every cathedral dedicated to the Heart of Jesus, so as to excite the zeal and piety of the diocesans.

ART. 4. In the frontispiece of each of the before-mentioned altars a stone will be placed, at governmental cost, in which the present decree will be inscribed.

Let it be communicated to the executive power for its execution and compliance.

Given in Quito, the capital of the republic, October 8, 1873.

The president of the senate,

R. DE ASCASUBI.

The president of the house of deputies.

VICENTO LUCIO SALAZAR.

The secretary of the senate.

CARLOS CASARES.

The secretary of the house of deputies,

PEDRO JOSÉ CEVALLOS.

Government Palace in Quito, October 18, 1873.

Let it be executed.

G. GARCIA MORENO.

Minister of the interior.

FRANCISCO JAVIER LEON.

No. 211.

Mr. Wing to Mr. Fish.

No. 369.]

UNITED STATES LEGATION,

Quito, Ecuador, March 2, 1874. (Received April 2.)

SIR: As a matter of general interest, in a maritime point of view, I append an article from the Panama Star and Herald of February 10, in relation to coal and salt mines in Ecuador.

In this connection allow me to add, that Engineer Rogers has just discovered a mine of what is known as "cannel coal", (in the States,) in the road which he is constructing from Quito to the mouth of the river Chones.

I have, &c.,

RUMSEY WING.

[Inclosure.]

[From Panama Star and Herald, February 10, 1874.]

COAL AND SALT MINES IN ECUADOR.

The El Facional, of Quito, of the 20th January last, publishes the results of a geognostic exploration of the province of Guayas, by Theodore Wolf, S. J., on account of the government, from which we summarize his remarks on the existence of coal and salt mines in that region of Ecuador.

With respect to coal, which is daily becoming of more and more importance in the Pacific, the report that it had been found near Santa Helena turned out to be premature. On visiting the locality, about three leagues north of Santa Helena, Mr. Wolf found some very narrow strata, which were seen on removing the sand of the sea-coast belonging to the Tertiary formation. They were only about 1½ to 2 inches thick, and consisted of a sort of bituminous lignite, like the similar strata which crop out at the sea-side of Punta Barica, in Colombia. The strata were nearly perpendicular to the surface, and, as there was no chance of their widening or improving in quality below, there was no encouragement to undertake any works to ascertain it, nor did the exploration of any part of the canton of Santa Helena offer any better prospect for good coal. In the narrow tongue of land from Santa Helena to Point Paitilla there were

abundant signs of petroleum. The stratum, however, impregnated with this substance is entirely superficial, and belongs to the quarternary formation. In this and the adjacent strata are found the remains of the mastodon. The stratum impregnated with petroleum varies in thickness, averaging one-half a meter. Wells are made to collect the petroleum, from the sides of which it exudes mixed with salt water, the petroleum collecting on the surface of the former. This petroleum is of a dark-green color seen by reflected light, and brown in transmitted light. Exposed to the air, it thickens and gradually takes the form of mineral pitch, (*brea mineral*), so well known along the coast, and finally becomes hard, like asphaltum. A specimen of petroleum, examined in Quito by the professor of chemistry there, resulted in the opinion that it was well adapted for the manufacture of gas for lighting the streets and for making kerosene. Distillation gives two substances, one liquid and transparent, having the properties of refined petroleum; the other more or less solid, which, on continuing the distillation, yields a better illuminating gas than coal, if used in iron retorts; 100 centimeters, cubic, yields gas as rich as carbon, giving a brilliant light. It evidently consists of ethylene (olefiant gas, C_2H_4) and of acetilene, (C_2H_2). There were contained in the second part of the distillation 59 centimeters, cubic, of petroleum, and 5.925 centimeters, cubic, of lighting gas. There remains, finally, in the retort a small residuum of amorphous carbon. Two meters, cubic, of this gas are equivalent to 15 of coal gas.

It has generally been found that in other countries petroleum is accompanied by common salt, and the same thing exists at Santa Helena. Its altitudes in this region we reserve for a separate article.

No. 212.

Mr. Wing to Mr. Fish.

No. 382.]

UNITED STATES LEGATION,

Quito, Ecuador, March 30, 1874. (Received April 28.)

SIR: I have this day sent to the government of Ecuador a copy of the "act authorizing coinage to be executed at the mints of the United States for foreign countries."

I presume that this government will eventually desire to avail itself of the benefit of this act.

No. 1 is a copy of my communication to Minister Leon.

I have, &c.,

RUMSEY WING.

APRIL 1.

P. S.—I have just received an official note from Minister Leon, of which 1 and 2 are copy and translation.

R. W.

[Inclosure 1.]

Mr. Wing to Señor Leon.

UNITED STATES LEGATION,

Quito, Ecuador, March 30, 1874.

SIR: Attached hereto your excellency will please find a copy of an "Act authorizing coinage to be executed at the mints of the United States for foreign countries," and which I have been instructed to deliver to your excellency. This act was approved January 29, 1874.

With assurances of my very distinguished consideration,

I have, &c.,

RUMSEY WING.

His Excellency Señor FRANCISCO JAVIER LEON,

Minister for Foreign Affairs, &c.

[Inclosure 2 in No. 382.—Translation.]

*Señor Leon to Mr. Wing.*FOREIGN OFFICE, *Quito*, March 31, 1874.

The undersigned, minister of foreign affairs of Ecuador, has the honor to acknowledge the receipt of the esteemed notes which, under date of the 28th ultimo, your excellency the minister of the American Union was pleased to send him.

The first informs the undersigned that your excellency has received instructions from your Government to present to the government of Ecuador the annexed copy of "the International Code of Signals for all nations, published under the authority of the American Secretary of the Navy," and the second refers to a copy of the act allowing foreign nations to coin money in the mints of the United States.

The undersigned is happy to give to your excellency the most expressive thanks in the name of his government for the remission of the aforesaid documents, which will be preserved with all the esteem that their importance merits.

The undersigned is pleased to avail himself of this opportunity, &c.,

FRANCISCO JAVIER LEON.

No. 213.

Mr. Wing to Mr. Fish.

No. 388.]

UNITED STATES LEGATION,

Quito, Ecuador, April 6, 1874. (Received May 13.)

SIR: I have the honor to state that the French line of steamers on this coast has just been withdrawn for want of proper support and patronage, and because of its incapacity to cope with the existing English monopoly.

No more auspicious opportunity could well offer for the inauguration of an American steam-line from Panama to Valparaiso, covering, as it would, an ocean track and a commercial traffic which naturally and legitimately pertain to the United States.

In the event of the non-installation of such a line, I have reason to believe that there will soon be a German line on this coast.

The German line from Europe to Aspinwall has already evinced its ability to compete successfully and at remunerative figures with the long-established English steamers.

This is a subject of vast and augmenting interest to American producers, shippers, and importers, and, as such, I respectfully submit it to the consideration of the Department.

I have, &c.,

RUMSEY WING.

No. 214.

Mr. Wing to Mr. Fish.

No. 407.]

UNITED STATES LEGATION,

Quito, Ecuador, August 10, 1874. (Received September 9.)

SIR: Herewith I have the honor to forward to the Department three clippings from the Panama Star and Herald of July 25 ultimo, bearing upon the important subject of the commerce of the Pacific coast.

No. 1, I am gratified to observe, shows the improved condition of the Pacific Mail-Steamship Company.

No. 2 evinces that the Royal Mail Company between Liverpool and

Aspinwall is beginning to compete successfully with the Atlantic connections of the English steam monopoly on this coast.

No. 3 portrays a state of affairs which is somewhat surprising, in view of the previous enormous gains and dividends of the Pacific Steam-Navigation Company; and in my judgment may be attributed in large part to the fact that the recent French line on this seaboard must have interfered more materially with the business of the English steamers than was supposed at the time.

I have, &c.,

RUMSEY WING.

[Inclosure 1 in No. 407.]

President Russell Sage, of Pacific Mail-Steamship Company, says that the company, having succeeded so well, are about to build three new steamers to add to the fleet they already have afloat. These steamers are to be of the finest kind for comfort, speed, and capacity. They will be screw-steamers, 3,000 tons burden, and will cost \$600,000 each, or a total of \$1,800,000. They will be built on the same model as the City of Peking and other vessels of her class, and are to be finished within twelve months. One vessel will probably be given to John Roach for construction, another to Pusey, Jones & Co., and the third to some other constructor of known capacity. These vessels will be distributed in a manner that will best serve the interests of the company

[Inclosure 2 in No. 407.]

THE NEW CONTRACT OF THE ROYAL MAIL STEAM-PACKET COMPANY.

The new contract of the above company, according to the European Mail of the 17th ultimo, provides that the vessels on the main route are to be of 2,750 tons, and not less than 500 nominal horse-power. The speed not to be less than 11 knots per hour. This is rather a low rate of speed, as $11\frac{1}{2}$ and even 12 knots are practicable. Southampton to Colon, via St. Thomas, is to take 470 hours, and the return 490 hours. In the previous contract, the time was, Southampton to Colon 462 hours, and the return 482 hours. There is, therefore, on the face of it, an increase of eight hours each way in the time occupied by the voyage.

Southampton to Colon, via Barbados, is to take 479 hours, and the return 495 hours.

The company is to have the power of proposing another port in lieu of Southampton for the landing and embarking of the mails. The company is under a penalty for delay, but there is no premium for being within time, as in the previous contract. The postmaster-general takes the power to alter the times of arrival and departure, but no power like that in the old contract to extend the conveyance of mails to any port or place not specified, under which power Plymouth was selected as the landing-place some years ago. The amount of the subsidy has been already stated. The time fixed for the arrival of the mails at Southampton is 10 o'clock on the morning of the 30th, and 11 o'clock on the morning of the 14th. This means late in the afternoon for the delivery of letters in London, and next day for the delivery in all the north of England, as well as in Scotland and Ireland. In short months, as well as in cases when Sunday intervenes, the mails will practically arrive and depart upon the same day. This has been made the subject of strong protests by the West India committee, the West Indian associations of Glasgow and Liverpool, the chambers of commerce of Liverpool, Birmingham, and Manchester, and other bodies. In fact, there has been such a manifestation of opinion as will probably induce the government to retain Plymouth as the landing-place of the mails. It must be added that, by the new inter-colonial arrangements, the time for answering letters in Demerara is very much curtailed.

The tenders for this service were three, viz: Alfred Holt, of Liverpool, £129,000; West India and Pacific Steam-Navigation Company, £120,000; Royal Mail Company, £84,750.

The postmaster-general was endeavoring to get the postage reduced to sixpence.

A memorial to the right honorable the lords commissioners of Her Majesty's treasury "was extensively and influentially signed by merchants, bankers, proprietors, and others interested in the colonies and countries with which correspondence is maintained by means of the West India mail-steamers, begging to express their great regret that no provision is made in the new contract with the Royal Mail Steam-Packet Company for continuing the practice of landing the West India mails at Plymouth."

In consequence of this an amended contract was to be laid on the table, providing for calling at Plymouth.

[Inclosure 3 in No. 407.]

THE PACIFIC STEAM-NAVIGATION COMPANY.

An adjourned meeting of the Pacific Steam-Navigation Company was held on the 23d of June, in Liverpool, Mr. Langton, chairman of the board of directors, in the chair. The original meeting was held on the 25th of April last, having been convened in compliance with a requisition from Mr. Robinson, one of the shareholders of the company. The state of affairs then disclosed, and the feeling displayed by the shareholders, led to the appointment of a committee of investigation, with instructions to inquire into and report upon the affairs of the company. The report, which was completed on the 13th June, and published, censures the past management and policy of the company, and to this attributes their recent heavy losses. The committee, in concluding their report, say :

"We have to express our regret that we cannot present a more cheering report. The future, however, is not without promise. The profits of the company have been most seriously affected during the past year in both lines by the high price of coal and its outward freight. This cannot be permanent, and both price and freight are already materially reduced. It may reasonably be expected that the trade on the west coast will revive, and that the tonnage in the Straits line, being more in accord with its requirements, the business will again show a profit. If, then, arrangements can be made to relieve the company of the loss on the laid-up steamers, either by sale or employment, it may be hoped that, under a system of rigid economy and supervision exercised by the board itself, together with a thorough revision of the agencies and the staff at home, afloat, and abroad, this company may yet be restored to the position which it recently occupied as one of the most prosperous steam enterprises of the country."

The purpose of the adjourned meeting was to consider this report, and the attendance of shareholders was large. After a lengthened and somewhat personal discussion the report was adopted. A resolution was also passed appointing a number of shareholders a committee to select such names to be presented to the annual meeting as they may think desirable to fill the vacancies upon the board of management.

No. 215.

Mr. Wing to Mr. Fish.

No. 408.]

UNITED STATES LEGATION,

Quito, Ecuador, August 11, 1874. (Received September 9.)

SIR: Hereto I append copy and translation (Nos. 1 and 2) of a recent correspondence between the fiscal agent of this government and certain prominent merchants, bankers, and commercial men of Guayaquil, in reference to the late financial crisis in Ecuador, which seriously imperiled the monetary and business interests of the country.

The effect of this correspondence, superadded to the proposed abolition of the executive decree prohibiting the exportation of silver in bars and certain silver coins, has been beneficial.

Exchange has fallen to a decent figure, trade is reviving, confidence being restored, and the Bank of Ecuador has issued a call for the payment in full of its capital stock, and offers to redeem its outstanding notes whenever presented.

The roads (rail and turnpike) are again in course of construction also.

The cost of the ecclesiastic establishments and their accompaniments in Ecuador constitutes a serious and needless drain upon the national revenue, and is out of all proportion to the wealth and resources of the republic.

I have, &c.,

RUMSEY WING.

[Inclosure 2 in No. 408.—Translation.]

[From Los Andes, of Guayaquil, July 29, 1874.]

THE QUESTION OF THE DAY.

We have been requested to publish the following documents, through which will be seen the result of the commission that has brought the under secretary of the treasury, Doctor Salazar, to this city.

Note of Doctor Salazar.

REPUBLIC OF ECUADOR, FISCAL COMMISSION,
Guayaquil, July 20, 1874.

Messrs. Alcides Destruge, José Vivero, and José Rosales :

GENTLEMEN: Desirous of giving a quick and efficacious solution of the matter relative to the loan which was offered to be made to the government, and of the abrogation of the prohibition of the exportation of silver, I believe it expedient to propose to you, as representatives of the merchants of this place :

1st. To deposit in the Bank of Ecuador the sum of \$200,000, in discharge of the account known as "loans to the government."

2d. The deposit being made, bonds in favor of the subscribers will be issued at 1 per cent. monthly.

3d. These bonds will be funded, receiving in payment the custom-house receipts, for which 25 per cent. will be set aside.

4th. The loan of \$500,000 being accomplished, counting the \$300,000 that the bank will take, a free exportation of silver will be declared, preserving solely the right of exportation according to law.

Please, gentlemen, submit this fact to the exchange, and communicate to me the result thereof, so that I may consider my mission terminated.

VICENTE LUCIO SALAZAR.

Answer.

GUAYAQUIL, July 23, 1874.

Vicente Lucio Salazar, esq., Fiscal Agent :

Your communication of the 20th was placed in our hands yesterday, and we informed the merchants who had met, with this object, last evening, in the saloon of the Exchange, of the contents thereof.

Taking into consideration the matter, and unanimously resolved, we are charged to inform you that the signers of the proposal, a copy of which is annexed, and which, on the 5th of this month, we had the honor to inform you of, that they were ready to keep their word under the conditions set forth in that proposal; but aside from that, it is enough, which you deemed it well to present, and the monetary crisis, without exaggeration having made money scarcer every day, the merchants deplore the bad state of the situation that deprives them of the pleasure of accepting in full your proposal, and to improve the occasion to prove to the supreme government their desire to enter into its views and assist it in the measure which it, as well as the merchants, judge really advantageous for all.

But if the efforts of the merchants of Guayaquil, of which you are aware, having been present, have not been sufficient to give to your commission the favorable result which the supreme government and the merchants flattered themselves, permit us to hope from your honor and worth, that when you give an account of your trust, you will manifest the good faith of the merchants in this matter, as also the necessity they have to improve the conditions of the market, which they are mindful of, and decide favorably their petition to the supreme government of the 18th ult.

JOSÉ ROSALES.

JOSÉ VIVERO.

ALCIDES DESTRUGE.

Proposal of the merchants.

The undersigned agree to take the bonds of the government if they are issued at 90 per cent., with 12 per cent. annual interest, redeemable with one-half of the customs-dues; that is, the merchants will pay their customs-dues one-half in bonds, and the other half in current money; but provided, that the government will allow the free exportation of silver, and suspend every privilege in respect to the change of bank-bills, leaving gold and silver money at their legal value and keeping in all force the existing bank-laws.

[Here follow the names of thirty-one individuals and firms, subscribing in gross the sum of \$125,000 (soft or Ecuadorian currency) to the proposed loan.]

FRANCE.

No. 216.

Mr. Washburne to Mr. Fish.

No. 847.]

LEGATION OF THE UNITED STATES,
Paris, August 30, 1873. (Received September 18.)

SIR: I have the honor to acknowledge the receipt of your dispatch No. 522, in which you express the desire for certain information touching the number of American citizens resident or temporarily sojourning in France, together with the number of children born in this country whose parents claim to be Americans, &c. I will immediately set to work in this matter, and do the best I can, but I fear that at best I can but give you very unsatisfactory information, particularly as to the number of Americans who have been in France from year to year for a series of years back.

There is no place where any record is made of them except at the police, and the registrations there are imperfect, scattered along from day to day among the tens of thousands of other foreigners who enter France. It is therefore practically impossible to get anything satisfactory from the police, and we shall have to rely upon our own knowledge and that of the bankers and house-renters, as well as the newspapers.

The American Register, published in Paris, now gives us weekly quite accurate information as to the arrival of Americans in this city. It has always been my opinion that the number of Americans resident or temporarily sojourning in Paris and in France has been overestimated.

As to the births of children in this country whose parents claim to be Americans, they are never registered at this legation, but at our consulates. I have asked General Read for information on this subject.

It must take a good deal of time to procure even the meager information which I can obtain on this subject.

I have, &c.,

E. B. WASHBURNE.

No. 217.

Mr. Washburne to Mr. Fish.

No. 851.]

LEGATION OF THE UNITED STATES,
Paris, September 9, 1873. (Received September 26.)

SIR: Referring to your dispatch "separate" of July 2, I have the honor to inclose the translation of a dispatch received from the Duc de Broglie upon the subject of the coinage of the mint in France, together with a tabular statement of the coinage for the years 1871 and 1872.

I have, &c.,

E. B. WASHBURNE.

[Inclosure—Translation.]

Duc de Broglie to Mr. Washburne.

VERSAILLES, September 8, 1873.

SIR: In the letter which you did me the honor to write me on the 15th July last, you expressed the wish to receive two copies of the last annual report on the manufacture of coin in France.

The minister of the finances, to whom I hastened to apply for these documents, has replied to me that they are not published separately, and that they form part of the general statement of the administration of the finances under the title of "Compte du service des monnaies," comprising, in addition to detailed statements of all the operations of the mints, a recapitulation of the coin struck up to the 31st of December of each year.

However, as the last printed report is that for the year 1870, Mr. Magne has thought it well to send me, in reply to your request, the statement of the coinage of 1871 and 1872.

I have the honor, sir, to transmit them to you herewith.

Receive, sir, &c.,

DE BROGLIE.

[Inclosure in inclosure No. 851.—Translation.]

Statement of coinage for 1871 and 1872.

Year.	GOLD.	SILVER.				BRONZE.		
	20 francs.	5 francs.	2 francs.	1 franc.	50 centimes.	10 centimes.	5 centimes.	1 centime.
1871..	50,169,880	4,710,905	15,456,574	4,261,629	479,591 ^l . 50	186,640 ^l . 50	112,695 ^l . 15	.....
1872..	.....	389,190	7,547,588	15,957,333	2,943,258 ^l . 50	875,751 ^l . 60	416,361 ^l . 30	20,000 ^l

No. 218.

Mr. Washburne to Mr. Fish.

No. 870.]

LEGATION OF THE UNITED STATES,
Paris, October 20, 1873. (Received November 7.)

SIR: Referring to your dispatch No. 522, of August 11, and to my No. 847, of August 30, in reply, I have the honor to inclose you the advertisement of a proposed American Directory, got up by the American Register of this city. This work will give more complete information upon the subject of the number of Americans in France than any that I can obtain from other sources, and I shall forward you a copy so soon as it shall be published, with such remarks as it may seem to call for. In the mean time I have taken steps, by consulting the prominent American bankers here, and other well-informed persons, to inform myself as well as possible upon the subject in question. It results generally from the information I have thus obtained, that the number of resident Americans in France does not increase, but, on the other hand, rather diminishes; that the number of traveling Americans passing through France increases every year, and that there have probably been 20 per cent. more of this class here this year than ever before.

As regards the number of children born in France of American parents, I have reason to believe that they are in most instances registered at the consulates. I have applied to the consul-general for information on this point, as I have already stated, and he has promised to give it to me at the earliest possible date.

In reference to American citizens registered at the "Mairie," with a view to their having the option of being French citizens, I have never heard of an instance of the kind. Children born here of American parents are almost universally registered at the Mairie, because the laws of the country require it, and because it is made the duty of the attendant physician to see that it is done. Such children, I have reason to believe, do sometimes, on coming of age, select ("opter") to become French citizens; but I know of but one such instance, and I am sure that they are extremely rare.

In reference to your fourth inquiry, I doubt if any American citizen has formally disowned American citizenship; at least no such case has ever come to my knowledge, and the laws requiring military service in France are so onerous that I doubt if any one who is free from their operation voluntarily submits himself to them.

I shall have the honor to refer to this subject again when I shall have received a copy of the American Directory referred to.

I have, &c.,

E. B. WASHBURNE.

Will be published shortly, the American Directory for Paris and Europe.

In addition to the names and addresses of all *Americans permanently residing in Paris* and the different cities in Europe, the above work will contain many valuable documents and much useful information upon all subjects of interest to Americans residing or traveling on the continent. Americans residing in remote parts of Europe are kindly requested to send their names and addresses to the offices of the American Register, 2 Rue Scribe, Paris; or 4 Langham Place, London, for insertion in the above.

No. 219.

Mr. Washburne to Mr. Fish.

No. 875.]

LEGATION OF THE UNITED STATES,
Paris, October 31, 1873. (Received November 18.)

SIR: The letter of the Count de Chambord to Mr. Chesnelon, which appeared in the Union, the ultra Catholic organ in this city, last night, was like a clap of thunder in a clear sky. I send you herewith a translation of it as it appears in the Galignani this morning.

* * * * *

It is impossible now to tell what will be the next move, but I will keep you advised.

I am, &c.,

E. B. WASHBURNE.

[Inclosure in No. 875.]

Letter from the Count de Chambord.

PARIS. *October 31, 1873.*

The Union, legitimist organ, publishes the following communication addressed by the prince to Mr. Chesnelon, deputy of the Basses-Pyrénées:

SALZBURG, *October 27, 1873.*

"I have guarded, monsieur, so agreeable a reminiscence of your visit to this place, and I have conceived for your character so deep an esteem, that I do not hesitate to reply to you frankly as you yourself came so loyally to me.

"You spoke to me during long hours of the destinies of our beloved country, and I know that, on your return, you employed, in the midst of your colleagues, language which claims my eternal gratitude. I thank you to have so well understood the anguish of my mind, and not to have made any concealment of the unalterable fixity of my resolution.

"And so I did not allow myself to be disturbed when public opinion, carried away by a current which I deplore, pretended that I consented at last to become the legitimate king of the revolution. I had for guarantee the testimony of a man of honor, and I was resolved to keep silence as long as I should not be forced to make an appeal to your loyalty.

"But since, in spite of your efforts, misunderstandings are accumulating, and endeavoring to obscure my policy, which is open as the day, I owe the whole truth to the country, by which I may be misconstrued, but which pays homage to my sincerity, because it knows that I never have deceived it, and never will.

"I am asked at present for the sacrifice of my honor. What can I reply, except that I retract nothing—that I retrench nothing whatever from my preceding declarations? The pretensions of yesterday give me the measure of the exigencies of the morrow, and I cannot consent to inaugurate a reign, reparatory and strong, by an act of weakness.

"It is the fashion, you are aware, to oppose to the firmness of Henri V the cleverness of Henri IV. 'The violent love I bear to my subjects,' said that monarch often, 'renders everything possible and honorable for me.'

"I pretend, on this point, not to yield to him in anything; but I should be glad to know what lesson any imprudent man would have drawn on himself who should have dared to recommend him to repudiate the standard of Arques and Ivry.

"You belong, monsieur, to the province which saw him born, and you will be, like myself, of opinion that he would soon have disarmed his interlocutor, in saying to him, with his Bearnese dash: 'Friend, take my white flag; it will always guide you on the road to honor and victory.'

"I am accused of not holding in sufficiently high esteem the valor of our soldiers, and that at a moment when I only aspire to confide to them everything that I hold most dear. People forget that honor is the common patrimony of the house of Bourbon and of the French army, and that on that ground they cannot fail to agree.

"No; I do not disregard any one of the glories of my country; and God only, in the depth of my exile, has seen my tears of gratitude flow every time that, either in good or evil fortune, the sons of France have shown themselves worthy of her.

"But we have a great work to accomplish together. I am ready, perfectly ready, to undertake it, when called on to do so, to-morrow, this evening, or this moment. That is why I wish to remain entirely what I am; for, if lessened to-day, I should be powerless to-morrow.

"The business in hand is nothing less than to reconstitute on its natural basis a society profoundly disturbed, to insure with energy the reign of the law, to restore prosperity at home, to contract durable alliances abroad, and, above all, not to fear to employ force in the service of order and justice.

"Conditions are spoken of; but were any laid down by the young prince, whose loyal embrace I felt with so much joy, and who, listening only to his patriotism, came spontaneously to me, bringing to me, in the name of all his friends, assurances of peace, devotedness, and reconciliation?

"Guarantees also are required; but were any asked for from that Bayard of modern times, in that memorable night of May 24, when the government imposed on his modesty the glorious mission of calming his country by one of those phrases of an honest man and soldier, which re-assure the good and make the wicked tremble?

"I have not, it is true, like him, borne the sword of France in twenty battle-fields, but I have preserved intact, for forty-three years, the sacred deposit of our traditions and our liberties. I have a right, therefore, to reckon on the same confidence, and I ought to inspire the same security.

"My person is nothing; my principle, everything. France will see the end of her trials when she shall be willing to comprehend that truth. I am the necessary pilot, the only man capable of steering the ship into port, because I have mission and authority to do so.

"You, monsieur, can do much toward dissipating misunderstandings and terminating weaknesses in the hour of the struggle. Your consolatory words in leaving Salzburg are unceasingly present to my thought. France cannot perish, for Christ still loves his French; and when God has resolved to save a people, he takes care that the scepter of justice shall not be placed in any hands but those that are firm enough to uphold it.

"HENRI."

No. 220.

Mr. Washburne to Mr. Fish.

[Extract.]

No. 881.]

LEGATION OF THE UNITED STATES,
Paris, November 9, 1873. (Received November 26.)

SIR: I closed my No. 879 at noon on the 7th instant, in which I gave an account of the action of the Assembly on the proposition of Changarnier. It was then everywhere believed that the government would have matters all its own way, and that the "commission" to which the proposition was to be sent would consider it favorably and report it back immediately with a recommendation that it should pass. It would be well to explain a little touching the constitution of this "commission," or, as we should call it in congressional practice and parlance, a "special committee." It is not appointed by the president of the Assembly, but is elected by the different "bureaux," as they are called, of the body. There are fifteen of these bureaux, consisting of fifty members each, and they are drawn as we draw jurymen in our country. When the bureaux were drawn on the second day of the Assembly, it was claimed that the fusionists or government party were in a majority in nine out of the fifteen. Each of these fifteen bureaux had to elect, by ballot, one member of the commission to be charged with the examination of the Changarnier proposition.

It seems everywhere to have been taken for granted that the commission to be thus elected would have a majority in favor of the proposition, pure and simple. It was on Friday last that this commission was to be elected by the bureaux. Each bureau held its meeting, presided over by its president, and regular discussions were had in all of them, in which the ablest members of the Assembly participated. When the vote was taken, it appeared to the astonishment of everybody and to the utter discomfiture of the government that the "fusionists" had elected only seven members, while the opposition had elected five. In three bureaux, where the opposition had sure majorities, they adjourned the election till the following day, yesterday, in order that they might remain to some extent masters of the situation, and prevent any possibility of a snap judgment. These three elections were accordingly held yesterday, and the Count de Reimdal, Señor Jay, and Laboulazé, three strong men of the opposition, were elected, thus making a majority of one in the commission against the government. This sudden and unlooked-for check of the fusionists was a complete surprise, and created profound astonishment in all parties.

* * * * *

I have, &c.

E. B. WASHBURNE.

No. 221.

Mr. Washburne to Mr. Fish.

No. 885.]

LEGATION OF THE UNITED STATES,
Paris, November 13, 1873. (Received November 28.)

SIR: Referring to my dispatch, No. 758, of January 31, I have the honor to renew the suggestion therein made, that you should call the

attention of naturalized citizens, born in France, to the inconvenience, expense, and trouble they are put to in returning to the place of their birth.

The French laws are well defined upon the subject, and I have no fault to find with the manner in which they are applied. When it is proved before a civil court that the party "has lost his quality of French citizen" he cannot serve in the French army; and when it is shown that he has lost this quality for over three years he cannot be punished for *insoumission*; but pending the trial and decision of the court the party may be imprisoned. This is not always done. He is often released on bail. But under all circumstances he must employ counsel, and is put, as I have said, to great inconvenience and expense. These cases are of almost monthly occurrence.

If the attention of our citizens of this class was called yearly to the French laws upon this subject, and they were cautioned against returning to France, it might save them this expense and inconvenience.

I have, &c.,

E. B. WASHBURNE.

No. 222.

Mr. Washburne to Mr. Fish.

No. 887.]

LEGATION OF THE UNITED STATES,
Paris, November 14, 1873. (Received November 28.)

SIR: At the time of writing my dispatch No. 881, on the 9th instant, I supposed that, between the discussion of the report of the commission of fifteen, which I believed might be made, and the interpellation of Señor Jay in regard to the elections to fill the vacancies in the Assembly, that there would be some very interesting times in that body during this week. But such has not been the case. The committee has not reported at the present writing, and the discussion on the interpellation has been postponed. Therefore, I have nothing to write about so far as the Assembly is concerned; and as to the committee of fifteen, it has been holding daily sessions all the week. I shall have to give you the result of its labors in a later dispatch. On all substantial propositions it has stood *seven* for the government and *eight* opposition. The report may be made to-day or to-morrow, and the Assembly will probably settle the question next week.

I have, &c.,

E. B. WASHBURNE.

No. 223.

Mr. Washburne to Mr. Fish.

[Extract.]

No. 918.]

LEGATION OF THE UNITED STATES,
Paris, January 9, 1874. (Received January 22.)

SIR: The National Assembly reconvened yesterday after a recess of a few days for the holidays, and all Paris is surprised this morning to find

that there was a modified form of a ministerial crisis at Versailles last night, and of which the press dispatches have advised you before this time. It seems that the government, confident of its strength, had determined to put through, under whip and spur, its project of law relative to the nomination of mayors and to the attributions of the municipal police. When the question came up, to the surprise of almost every one, the Marquis de Franchen, an old legitimist and a member of the extreme right, moved to adjourn the discussion until the question of the organic law for municipalities should come up regularly for consideration, as reported from the commission of thirty. This motion was in the nature of a notice by the extreme right, served on the government, that it was not satisfied with its action, and of which a good deal has heretofore been said in the newspapers. The proposition for a postponement was treated with disdain by the Duke de Broglie and by Mr. Clapier, the reporter of the commission on the law. After two votes by rising and sitting the result was declared to be doubtful, and the *appel nominal* was demanded and carried; when that is ordered by the Assembly, each member is called by name, who advances to the tribune and deposits his vote. By this time the ministry had become alarmed, as they had discovered that many members of the extreme right were in favor of the postponement of the discussion. The house was thin, and a great many supporters of the government were absent. Then commenced a great struggle to put off the question until to-day, when the absentees could be got in, but that could not be done under the rules of the Assembly. So the vote went in, and it resulted in two hundred and sixty-eight for the motion of the Marquis de Franchen and two hundred and twenty-six against; the government being beaten by forty-two votes. The result was an overwhelming surprise to the ministry, and put them emphatically in a "tight place." There was nothing else to be done, and so last night they all marched up to the presidency and placed their resignations in the hands of the President, who declined to accept them, and asked his ministers to hold their respective places until he should make a decision in the matter. The news came from Versailles to-day that the President will not take any decision in the offer of resignations until there shall be a vote of confidence taken in the Assembly, and the result of which will be known to you about as soon as I shall know it. If a vote of confidence shall be taken, my own opinion is that the ministers will be indorsed.

* * * * *

I am, &c.,

E. B. WASHBURNE.

No. 224.

Mr. Washburne to Mr. Fish.

[Extract.]

No. 922.]

LEGATION OF THE UNITED STATES,
Paris, January 15, 1874. (Received January 30.)

SIR: In my No. 918 in relation to the late ministerial crisis, I foreshadowed what has actually taken place since in regard to a vote of confidence. The vote adverse to the ministry took place on Thursday, the 8th instant. The next day the Assembly adjourned over until Monday, and then the government went to work to bring all its force to-

gether on that day for a new trial. There was a good deal of excitement, and I went out to Versailles to attend the sitting. The chamber was very full, and it was evident from the beginning that the government was in the majority. After a few speeches * * * a test vote was had, and the ministry was indorsed by fifty-eight majority. The next day the ministers withdrew their resignations, and all is now quiet on the banks of the Seine. The Assembly is discussing the "mayor's bill," as it is called, and it will be voted in exact accordance with the views of the government on to-day or to-morrow.

The first grand presidential ball of the season was given at the palace of the Elysée, in Paris, on Wednesday night last. Seven thousand invitations were given out, and the crowd was enormous.

I am, &c.,

E. B. WASHBURNE.

No. 225.

Mr. Fish to Mr. Washburne.

No. 589.]

DEPARTMENT OF STATE,
Washington, January 30, 1874.

SIR: I inclose herewith, for your information, a copy of a dispatch of the 3d instant, No. 27, from the minister of the United States at St. Petersburg, and of dispatches from the minister at Berlin and Copenhagen,* both dated the 9th instant, numbered respectively 558 and 226, in relation to the reported transfer of the Danish West India Islands to Germany.

I am, &c.,

HAMILTON FISH.

No. 226.

Mr. Fish to Mr. Washburne.

No. 592.]

DEPARTMENT OF STATE,
Washington, February 2, 1874.

SIR: Referring to my No. 589, of the 30th ultimo, in relation to the denial of the report that Germany is in treaty with Denmark for the acquisition of the Danish West India Islands, I now inclose for your information copies of further dispatches† upon the subject from the ministers of the United States at Berlin and Copenhagen, respectively.

I am, &c.,

HAMILTON FISH.

No. 227.

Mr. Washburne to Mr. Fish.

No. 940.]

LEGATION OF THE UNITED STATES,
Paris, February 24, 1874. (Received March 13.)

SIR: Referring to your dispatch of January 14, No. 579, in reference to the case of Mr. Ernest Marx, an American citizen arrested in France as owing military service to the French government, I have the honor to inform you that Mr. Marx called at this legation about January 1.

* See correspondence from Denmark, Germany, and Russia.

† See correspondence from Germany and Denmark.

Mr. Hoffman explained to him the law upon the subject and advised him not to return to the "arrondissement" where he was inscribed as owing military service, as he would inevitably be arrested; and although he would be finally released as an American citizen of more than three years' standing, he would be subjected to much inconvenience, annoyance, and expense. Mr. Marx called again in a few days, when I saw him, and repeated the advice given by Mr. Hoffman. He saw fit, however, to disregard it, and returned to Remiremont. On receipt of your dispatch of January 14th on the 27th, I wrote to Mr. Marx to inquire what was his position, and to offer to him any service in my power. He answered on the 29th, that they had made him very miserable at Remiremont since his return from Paris, and that his lawyer would write me full particulars in a few days. I have heard nothing from his lawyer, from which I conclude that the matter has taken its usual course, that Mr. Marx has established to the satisfaction of a civil court that he is an American citizen, and so cannot serve in the French army, and that he has been an American citizen for a period of three years, and so that his "délit" of "insoumission" is covered by prescription. If he has succeeded in showing this he has no doubt been discharged, his position in this case is established, and he will have no more embarrassment from the French military authorities.

I need scarcely add that, should I hear that he is still in trouble, I shall do what I can to assist him.

I have, &c.,

E. B. WASHBURNE.

No. 228.

Mr. Washburne to Mr. Fish.

No. 957.]

LEGATION OF THE UNITED STATES,
Paris, April 24, 1874. (Received May 7.)

SIR: The news of the President's veto of the currency bill reached me before noon yesterday by a private dispatch from the office of the New York Herald in London. Very soon after this intelligence was received by the bankers and the public down town through the Havas telegraph agency. It created the greatest excitement among our countrymen and in French financial circles. Everywhere there was one universal shout of approval, and the praise of the President was on all lips, without distinction of politics, "race, color, or previous condition of servitude." All commended the firmness and patriotism and far-sighted statesmanship of the President. The veto will do an immense good over all Europe.

* * * * *

I am, &c.,

E. B. WASHBURNE.

No. 229.

Mr. Washburne to Mr. Fish.

[Extract.]

No. 963.]

LEGATION OF THE UNITED STATES,
Paris, May 5, 1874. (Received May 22.)

SIR: I have the honor respectfully to ask instructions in the following case:

An American lady, native born, after arriving at womanhood, came

to Europe and married an Englishman. After living many years with her husband and having children by him, she has recently obtained a divorce in England. She now applies to me for a passport, to be issued in her maiden name and as an American citizen. I have declined giving such a passport for the reasons—

First. That there is nothing in the decree of divorce authorizing her to take her maiden name; and that I am not advised that the laws of England, independent of the order in the decree, authorize a divorced woman, at her option, to take her maiden name. Second. Touching the question of citizenship, I consider her case analogous to that decided by you in your dispatch No. 238, dated February 24, 1871, where you decided that it would be judicious to withhold a passport in a case where an American woman had married a foreigner, and her husband had afterward died, unless she gave evidence of her intention to resume her residence in the United States.

In the present case the party desiring the passport not only does not "give evidence of her intention to resume her residence in the United States," but avows that her purpose in obtaining a passport in her maiden name is to enable her to marry a Frenchman.

I have been pressed to give this passport with so much insistence that I had to promise to submit the question to you for your decision. I might add that it is strongly contended, by the parties interested, that this case is different from the case referred to in your dispatch No. 238, and that the decree of divorce dissolves the nationality of the woman as well as the bonds of matrimony. I, however, do not take this view of the subject. I might add further, that this lady, who is, in my opinion, an English subject to all intents and purposes, now holds passports which were issued to her before her divorce, by two American ministers in Europe.

I have, &c.,

E. B. WASHBURNE.

No. 230.

Mr. Washburne to Mr. Fish.

No. 965.]

LEGATION OF THE UNITED STATES,

Paris, May 8, 1874. (Received May 22.)

SIR: The National Assembly will reconvene on Tuesday next, the 12th instant. That event is looked forward to with great interest by the political world. During the recess there has been comparative quiet in the country, and matters have moved along quite smoothly. Two members have committed suicide: Mr. Bealé, who was the first minister of the interior under President MacMahon; and a member from the Alps Maritimes, who blew out his brains a few days ago.

From the givings-out of the semi-official organs of the Government in Paris, it has now become well understood that among the first things to be done after the Chamber meets, will be the presentation of the constitutional laws by the Duke de Broglie. Such being the case, the extreme right are taking an attitude more and more hostile toward the Government. The right considers the Septennat simply as a "*régime neutre*," a mere temporary affair, which must cease when it shall be deemed that the time has come to proclaim royalty. Finding that the cabinet is endeavoring to consolidate this MacMahon government by constitutional laws, the legitimists have commenced an active campaign in a contrary

sense. The last and most significant thing they have done, was to hold at Tours a convention of the editors of the legitimate Catholic press. Sixty-five newspapers were represented at this congress. Forty of them have put out a manifesto against the Septennat and against the projected constitutional laws, and also making an appeal to the chamber to re-establish the monarchy and recall the "King." The Union, which is the organ *par excellence* of the legitimists, declares formally to the cabinet that the presentation of the constitutional laws would be considered by the right as "an act of hostility." There are further rumors of a *coup d'état* on the part of the Count de Chambord; *on dit*, that the "King," as the ultra-monarchists now call him, will come into Versailles on the 12th instant, and place himself at the disposition of the chamber, if the "good of the country" shall demand it. The more sensible of the legitimists see great risk in such action in the present state of feeling in the country, but such is the excited state of feeling among a certain class of monarchists that the most senseless projects find adherents.

Two things appear certain, however: first, that the government will present to the Assembly what they call the constitutional laws, that is to say, the law electoral and the project for the two chambers. The extreme right will vote against them, and should the government be defeated, there must of course be a modification of the present ministry.

I have, &c.,

E. B. WASHBURNE.

*No. 231.

Mr. Washburne to Mr. Fish.

No. 968.]

LEGATION OF THE UNITED STATES,

Paris, May 16, 1874. (Received June 4.)

SIR: Referring to my dispatches Nos. 948, of April 3, and 956, of April 22, I have the honor to forward to you herewith a letter I have received from the president of the society for the amelioration of the condition of prisoners of war, from which it appears that the Russian government has taken this matter up with some interest, and that a convention will be held at Brussels under its auspices on the 27th July, 1874. The proposed convention of May 18th, to be held in Paris, will consequently not take place.

You will doubtless observe that the invitation to this congress, issued by Russia, is addressed to the different European cabinets; and that if the inclosed is the only invitation addressed to the United States, it comes in a very indirect manner.

I have, &c.,

E. B. WASHBURNE.

[Inclosure.—Translation.]

Count de Houdetot to Mr. Washburne.

PARIS, May 15, 1874.

MR. MINISTER: I have the honor to inform your excellency that it appears from a letter addressed by his highness Prince Gortchacow to his excellency Prince Orloff, and dated Saint Petersburg, April 6, [18,] 1874, that His Majesty the Emperor of all the Russias has deigned favorably to receive the suggestions presented by the society for the amelioration of the condition of prisoners of war with the greater satisfaction, inasmuch as they harmonize with a humane thought which has long been entertained by His Imperial Majesty, and as, at the very time when this project reached the imperial

cabinet, His Majesty had already given orders for the examination of a similar project, conceived in the same spirit, but on a more general plan.

The examination of this project having been concluded, and the imperial cabinet having just proposed to all the European cabinets to send delegates to a convention which is to meet at Brussels on the 15th [27th] of July, 1874, said delegates to be invested with full powers to discuss the principles and elaborate the details of an international agreement, embracing all the matters inherent to a state of war, the preparatory conference, which was to meet at Paris on the 18th instant, is rendered unnecessary, since its principal purpose was to induce some government to take the initiative, which has now been taken by the imperial cabinet of Russia. The project emanating from the imperial cabinet, and that which I have had the honor to communicate to your excellency in the name of the society whose president I am, will be laid before the conference at Brussels simultaneously for examination, and will serve as the basis of a general arrangement, which, if unanimously adopted by all civilized nations, would result in diminishing, as far as this is possible, the calamities of international conflicts, by precisely defining the rights of governments and armies in time of war.

As the result of an interview which I have had the honor to have with Prince Gortchacow at Stuttgart, the society for the amelioration of the condition of prisoners of war has been authorized by the imperial cabinet to beg your excellency to be pleased to inform your Government that, if it shall see fit to take part in the Brussels conference, and will notify the imperial cabinet to that effect, its delegates will be most gladly received there.

I have the honor to beg you, Mr. Minister, to be pleased to communicate the contents of this letter to your Government, and I avail myself of this occasion to thank your excellency for the favor which you have been pleased to show us.

I have the honor to be, Mr. Minister, with respect, your excellency's very humble and very obedient servant,

COUNT DE HOUDETOT,
President of the executive committee, for the society and by authority.

No. 232.

Mr. Washburne to Mr. Fish.

No. 970.]

LEGATION OF THE UNITED STATES,
Paris, May 19, 1874. (Received June 4.)

SIR: "*Le ministère est tombé.*" Such were the words that passed rapidly from mouth to mouth in Paris early on Saturday evening last, creating not a little astonishment and surprise.

The National Assembly had reconvened on Tuesday, the 12th instant. The matters that were to come immediately before it for discussion and action excited great interest throughout France. Nothing of public importance was done the first few days. On Friday the Duke de Broglie presented his great scheme for a second chamber, under the name of "*Grand Conseil.*"

* * * * *

The first real business that was to come on was the discussion of the constitutional laws. No immediate crisis was anticipated. On Saturday last the Assembly met as usual at 2 o'clock. The chamber was very full, there being more than seven hundred members present, but there was no particular excitement. Mr. Buffet rings his bell, and the members slowly crowd themselves into their narrow seats. One of the secretaries reads the journal of the previous day. After some unimportant business Mr. Batbie, the president of the commission on constitutional laws, slowly mounts the tribune, and, in the name of his commission, moves that the first reading of the electoral law should be made the order of the day for the following Wednesday. Upon this Mr. Thiry, a member of the extreme right, proposed to amend the proposition, by providing that the project for municipal laws should be made the order of the day for the same day, but that it should have priority in discus-

sion. All this seemed to be a very simple matter, and one could hardly have supposed that a question of cabinet would come out of it.

Messrs. Raudat and Lucien F. Brun, members of the extreme right, did not oppose any objection to the setting down of the electoral law at the time named, but thought it more important to dispose of the municipal law first; but neither of these saw in this mere question of priority anything which was of any gravity, or which would necessarily bring about a division. Not so with the Duke de Broglie, the vice-president of the council and head of the ministry. Assured of his strength in the Assembly, and anxious for a vote of confidence, which he was certain the Assembly would give to his ministry, in a short and emphatic speech he placed the government in antagonism to the proposition of Mr. Thiry, giving priority to the discussion of the municipal law. In language not to be misunderstood, he made the proposition "*une question de cabinet.*" It was at that moment that the Assembly awoke to the supreme importance of the matter before them, and, in the language of the official report of the proceedings, a "*mouvement prolongé*" followed. The Assembly then proceeded to a vote upon the priority of the electoral law. At twenty minutes after 3 o'clock the president declared the result. Out of 698 voices, 317 voted in favor of the government proposition for giving priority to the electoral law, and 381 voted against it. It was amid profound agitation that this announcement, which was the death-knell of the ministry, was heard, it being hardly possible to believe that such a stupendous result could have been accomplished so suddenly and unexpectedly.

The Duke Decazes, minister of foreign affairs, was not so stunned by the blow that he could make no sign, but, on the other hand, promptly mounted the tribune, and presented a law ratifying the postal treaty between France and the United States. This proposition was received with cries of "*Très bien, très bien.*" As soon as the minister of foreign affairs had descended the tribune the Duke de Broglie left the government benches, followed by all his colleagues who had been present at the sitting. They proceeded at once to the palace of the prefecture, to place their resignation in the hands of the President of the republic. Their resignations were accepted, but with the request that they should retain their portfolios until a new ministry should be named. Thus fell the ministry of the 20th of November, 1873, and which was a continuation, with but little change, of the ministry of the 25th of May preceding, and which came into power upon the downfall of Mr. Thiers and the accession of Marshal MacMahon to the office. It may in fact all be called one ministry, as the Duke de Broglie was the leading spirit in both. Mr. Thiers was overthrown on the 24th of May, 1873, eight days less than a year ago. As Mr. Thiers was shown the door of the Assembly on that occasion, he quietly said to one of the men who headed the movement against him, "You are in for a year;" and the present result shows how nearly correct he was. The expulsion of Mr. Thiers from power was only accomplished after a prodigious struggle, and by a most skillful grouping together of all the elements of opposition to his administration of the government. The majority by which he was upset, and which resulted in a complete change of the policy and "*personnel*" of the government, was only fourteen votes. The change once made, however, many members who had voted to sustain Mr. Thiers rallied round the MacMahon government, which has in all matters, where a vote would affect the ministry, had a reliable and compact majority of from sixty to a hundred votes, and this too in the face of a powerful, resolute, and apparently increasing feeling of hostility in the country toward the MacMahon rule. Though this

present government, styled by the opposition the "*government of combat*," has been constantly attacked by the radical press; and though a feeling of intense hostility has been gradually developing against it in the ranks of the extreme right and among the Bonapartists, yet when the pinch has come in the Assembly, by dint of heated appeals to save the country from what they call "the horrors of radicalism," a sufficient number of votes has always been obtained to save the ministry from overthrow. When in a recent dispatch, in speaking of the state of things likely to arise when the constitutional laws should come to be discussed, I expressed the opinion that the ministry would be sustained over all opposition, I but spoke the sentiment of the most intelligent men with whom I had conversed on the subject.

I am, &c.,

E. B. WASHBURNE.

No. 233.

Mr. Fish to Mr. Washburne.

No. 614.]

DEPARTMENT OF STATE,

Washington, June 9, 1874.

SIR: Referring to your No. 963, of the 5th of May, relating to the case of an American woman married to a British subject and divorced, and by whom an application was made to you for a passport as a citizen of the United States, I have to state that the course pursued by you in regard thereto is approved.

On reference to my No. 238, in relation to the conditions upon which passports are granted to aliens, it appears to render further instructions on the subject unnecessary.

It is proper, however, to say, by way of explanation of those instructions, that it is not intended to be inferred that when a woman, a citizen of the United States, marries an alien who resides out of the jurisdiction of the United States, she absolutely ceases to be a citizen thereof, and becomes subject to all the disabilities of alienage. The instruction must, of course, be assumed to refer only to subjects within the cognizance of this Department.

I am, &c.,

HAMILTON FISH.

No. 234.

Mr. Fish to Mr. Washburne.

No. 616.]

DEPARTMENT OF STATE,

Washington, June 10, 1874.

SIR: I have to acknowledge the receipt of your dispatches numbered 968, 969, 970, and 971.

Referring to your No. 968, relating to a convention for the amelioration of the condition of prisoners of war, to be held at Brussels in July next, it does not seem that the United States are called upon to take part therein.

I am, &c.,

HAMILTON FISH.

No. 235.

Mr. Washburne to Mr. Fish.

No. 982.]

LEGATION OF THE UNITED STATES,
Paris, June 12, 1874. (Received June 24.)

SIR: The reactionists in the Assembly met with a serious check on Wednesday. The committee on constitutional laws had reported a provision fixing the age of twenty-five years for voters in municipal elections. If this proposition had been adopted by the Assembly, the same limit would have been applied to voters at all elections. Hence its great importance. When the question came up for discussion, Mr. Oscar de Lafayette, the grandson of General Lafayette, moved an amendment fixing the age at twenty-one years, and to the surprise, I think, of almost every one, this amendment was carried by a majority of thirteen votes. Most of the Bonapartists voted for the amendment, but Mr. Magne, the Bonapartist minister of the finances, voted against it. This vote gives hopes that the friends of universal suffrage have a majority even in this Assembly. It was remarked that the Prince de Joinville separated himself from his Orleanist friends, and voted for the amendment of Mr. de Lafayette.

I am, &c.,

E. B. WASHBURNE.

No. 236.

Mr. Washburne to Mr. Fish.

[Extract.]

No. 984.]

LEGATION OF THE UNITED STATES,
Paris, June 17, 1874. (Received July 2.)

SIR: * * * * *

The political event of the week has been the action of the National Assembly upon a proposition of the left center brought forward by Mr. Casimir Perier, the object of which was practically to have the Assembly declare the definitive establishment of the republic with two chambers and a president, chief of the executive power. It was known on Saturday last that Mr. Casimir Perier was to bring forward this proposition in the Assembly on Monday, and demand what is called "urgency" by the rules of that body. A matter of this importance naturally excited a great deal of interest, particularly as the uncertainty was so great as to what action the Assembly would take in the premises. As the day was likely to be an interesting one, I went to Versailles. Nearly all the deputies were present, and the galleries were crowded with spectators.

Mr. Casimir Perier introduced his proposition, and after an exciting discussion of two or three hours a vote was taken, which resulted in the adoption of "urgency" by a majority of four votes out of a vote of six hundred and eighty-six. The result was unexpected by the monarchist coalition, and its announcement created surprise and stupor.

All the ministers voted against this proposition of urgency, and, of course, found themselves in the minority. * * * * *

Although this vote on urgency was, to a great extent, a test vote, and the republican papers have crowed over it very lustily, yet it is by no means conclusive. Under the rules of the Assembly, if urgency had not

been voted, the proposition would have been consigned to a committee which is the general receptacle of all such projects, and where it would have never been heard of again. But urgency being voted, it went to the committee on constitutional laws, and that committee is obliged to consider it and report it back to the house. When reported back the regular readings are dispensed with, and the Assembly is obliged to act upon it to the exclusion of all other business. The committee to which the proposition has gone is undoubtedly opposed to it, and will make an adverse report. Then the Assembly will have to pass on it *de novo*, and the question is, can it pass in face of all the influences of the administration and of the legitimist and imperialist parties against it? The inclination of my opinion is that it will be finally rejected; but there is too much uncertainty in the matter to make any predictions. Its adoption will make another and quite a radical change in the government, for it involves a new ministry, to be taken from the various republican groups, and from the lightest shades of the right center, some members of which are inclined to accept the republic out of their mortal fear of the empire.

After the Assembly had finished with this business, a strange and unlooked-for event happened. The Duke de Larochefoucauld Bisaccia, French ambassador at the court of St. James, London, rose and made the following motion :

ARTICLE I. The government of France is a monarchy, having at its head the chief of the house of France.

ART. II. Marshal MacMahon is appointed lieutenant-general of the kingdom.

ART. III. The monarchical institutions shall be regulated by the nation and the king.

This was like a clap of thunder in midwinter. That a man holding so high an office under the government of the republic should deliberately make a proposition to change the form of the government he served, created profound surprise, and that surprise was intensified when it was found that nearly half of the Assembly rose promptly to second him, including even the Bonapartists. And, indeed, it was an extraordinary spectacle to see nearly all the men who had voted the septennate, and sworn that they would stand by MacMahon through fire and blood for seven years, turning deliberately round, and declaring France to be a monarchy, "having at its head the chief of the house of France." Even half of the ministers of Marshal MacMahon voted for this proposition. It was, however, lost by a rising and standing vote, by about sixty majority, as near as could be estimated. The whole thing, therefore, turned out to be a "*fiasco*," and its effect has been to weaken the anti-republican coalition very materially. Consequently, the Duke de Larochefoucauld Bisaccia has been very roundly abused for bringing forward his proposition at that time. All the Paris journals say that he sent in his resignation immediately after the adjournment of the Assembly, and that it was promptly accepted; but the official journal makes no mention of the fact. It is quite evident, however, that he will have to go, for after having taken the step he has in the Assembly, in the face of France and of Europe, it will be hardly possible for him to hold on; and this is rather a pity, for I believe that he has made a very popular and acceptable ambassador at London. It was observed that the Duke Decazes, minister of foreign affairs, voted against the proposition of his London ambassador, and hence it appears probable that the resignation of the Duke of Bisaccia will be accepted if offered.

I have, &c.,

E. B. WASHBURN.

No. 237.

Mr. Fish to Mr. Washburne.

No. 626.]

DEPARTMENT OF STATE,
Washington, July 17, 1874.

SIR: The joint commission organized in Washington by the Spanish and American Governments, pursuant to the agreement of February 12, 1871, for the settlement of claims against Spain growing out of the insurrection in Cuba, soon after its organization selected Baron Lederer, the honored representative of the Austrian Empire at Washington, as the umpire, pursuant to the first article of the agreement. Baron Lederer has lately been recalled by his government, and has, in consequence, resigned such appointment; and the selection of another umpire becomes necessary. Under the first article of the agreement above referred to, the selection of the umpire is the duty of the commission, and this Department is informed, by a communication from the arbitrator of the United States, a copy of which is herewith inclosed, that the commission, at their session on the 11th of July, selected his excellency Mr. Bartholdi, the minister of France to this country, as umpire, in the place of Baron Lederer, who had resigned, and that Mr. Bartholdi had been officially notified of his appointment, but withholds his reply until his government shall have authorized the acceptance of the appointment.

The President has learned with great satisfaction of the selection of the accomplished and experienced French minister as umpire, and you will express this satisfaction to the French government, with the hope that permission may be given Mr. Bartholdi to act in such capacity.

You will further signify that the proceedings of the commission are suspended pending this appointment, and that it is desirable that this permission be given at an early day.

I inclose a copy of the agreement for the arbitration of the claims above referred to, and under the stipulations of which Baron Lederer was chosen.

I am, &c.,

HAMILTON FISH.

[Inclosure.]

*Mr. Otto to Mr. Fish.*AMERICAN AND SPANISH COMMISSION,
Washington, July 16, 1874.

SIR: I have the honor to inform you that, pursuant to the power vested by the first article of the agreement concluded February 12, 1871, between the United States and Spain, this commission at their session of the 11th instant selected Hon. Mr. Bartholdi, the minister of France to this country, as umpire, to fill the vacancy occasioned by the resignation of Baron Lederer.

Mr. Bartholdi has been officially notified of his appointment, but withholds a reply until the French government shall have authorized his acceptance of the appointment.

I have, &c.,

W. T. OTTO,
Arbitrator on the part of the United States.

No. 238.

Mr. Washburne to Mr. Fish.

No. 1004.]

LEGATION OF THE UNITED STATES,
Paris, July 24, 1874. (Received August 6.)

SIR: Some time since I learned, through Mr. George Bemis, who was coming from Italy into France, that the police at the frontier were in the habit of demanding passports from Americans, while Englishmen were permitted to pass without any demand for their passports. I at once addressed a letter to the Duke Decazes, calling his attention to this fact, and particularly to the fact that passports were required of Americans and not of Englishmen. Before writing to the duke I had spoken to him on the subject, and he expressed his surprise at the existence of such a state of things, and promised that it should at once be remedied. He intervened promptly with the minister of the interior, and the result was a notice in the "Journal Officiel," a copy of which I inclose herewith.

I also send a notice from the "Journal Officiel," in regard to the emigration which has taken place to the United States from France. I would like to be advised, for my own information, whether there is any truth in the reports thus put forth by the French government, that there is dissatisfaction among the French emigrants in Philadelphia or elsewhere in the United States.

I have, &c.,

E. B. WASHBURNE.

[Inclosure 1 in No. 1004.—Translation.]

[From the "Journal Officiel" of July 15, 1874.]

MINISTRY OF THE INTERIOR.

Since the 4th July last the formality of passports has been dispensed with between France and the United States of America; consequently American citizens are free to enter French territory and travel thereon on the simple declaration of their name and their nationality, and with this reservation, also imposed upon other countries, that the traveler shall be able to furnish, upon every requisition of the agents of French police, the proof, by whatever title, of their identity and their nationality.

[Inclosure 2 in No. 1004.—Translation.]

[From the "Journal Officiel," July 15, 1874.]

On several occasions agricultural laborers and others have been warned not to make engagements as emigrants without having previously given information to the administration at Paris, Havre, Belfort, Bordeaux, Marseilles, at the commissioners specially charged with superintendence of immigration and in the departments of the prefecture and sous-prefectures.

It seems expedient to renew these recommendations in view of the numerous demands of repatriation (repatriement) at the expense of the state, addressed to several of our agents abroad, especially at Philadelphia, (United States,) where many French, particularly Alsatians and natives of Lorraine, having chosen French nationality, have been far from reaping the advantages which the emigrant-recruiting officers had caused them to hope.

27 F R

No. 239.

Mr. Washburne to Mr. Fish.

No. 1005.]

LEGATION OF THE UNITED STATES,
Paris, July 24, 1874. (Received August 6.)

SIR: Though in my No. 996, of the 13th instant, I spoke of the constant recurring changes in the ministry, I must confess I did not expect another crisis quite so soon, but it so falls out that since that dispatch there have been two important changes. Mr. Magne, the minister of finance, having been overwhelmingly beaten on a vital question in the Assembly, was obliged to give in his resignation on the 16th instant, which was promptly accepted by the President. Though regarded as an able man and a good minister of finance, he had "lost his grip" on the Assembly more really by his pronounced Bonapartism than by failure in his position. His resignation, however, did not cause so much excitement as that of Mr. Fourtou, the minister of the interior, which took place two days afterward. This resignation was not expected, and, as it was due wholly to political reasons, it has occasioned a great deal of talk. It is now known that there were serious dissensions in the ministry, and that Mr. Fourtou insisted upon a certain course of policy which was squarely opposed by the Duke Decazes, and rejected by the other ministers. Thereupon Fourtou resigned, very much to the regret of the President. It is alleged that Fourtou was a Bonapartist in disguise, and that he had insisted that the successor of Mr. Magne should be a Bonapartist, and that the investigations which had been instituted in regard to Rouher and other Bonapartists should be stopped, and that Leon Reinault, the prefect of police, who had charge of them, should be removed. He also took grounds in relation to the septennate which were not satisfactory to the rest of the ministers.

These two ministers have been replaced; Mathieu Bodet goes into the ministry of finance, and General Chabaud Latour replaces Mr. Fourtou. I send herewith very brief biographical sketches of the two gentlemen. The selections, in my judgment, are very fortunate. Mathieu Bodet is a lawyer of ability, who has made finance very much of a study. He is not put down as belonging to any of the various groups in the Assembly, but is regarded as fluctuating between the right center and the left center, what we would call in the West a "floater." General Chabaud Latour appertains to the right center and is regarded as a very honest and capable man, and has always been a devoted friend of the Orleans family. He is a Protestant in religion, and has selected for his under secretary Cornelius DeWitt, the son-in-law of Guizot, and also a Protestant. Both of the new ministers are members of the Assembly.

Yesterday the Assembly discussed the proposition of Casimir Perier to definitively found the republic. This proposition, after a discussion of several hours, was rejected by a majority of forty-one. It was uncertain at one time how far the government would go in opposing this proposition, but at the pinch General de Cissey, the vice-president of the council, came out flat-footed in opposition to it and called for its rejection. This action of the government settled the business. After this vote was taken a proposition was presented for the dissolution of the Assembly, which was rejected by twenty-nine majority. To-day it is supposed that the discussion will commence on the report of Mr. Ventavon on the counter-proposition of the committee of thirty. It is believed that this proposition will also be rejected, and everything in the Assembly will be at sea.

I have, &c.,

E. B. WASHBURN.

[Inclosure, (newspaper extract.)—Translation.]

It will not be uninteresting to examine the political record of the two new ministers whose appointments were announced yesterday in the "Journal Officiel."

General Chabaud Latour was born at Nîmes, January 25, 1804. He entered the polytechnic school in 1820, graduated with high honors, entered the corps of military engineers, took part in the expedition against Algiers, afterward worked on the fortifications of Paris, and from 1832 to 1843 was an orderly officer under the Duke of Orleans. In 1837, the Vigan district chose him as its representative in the Chamber of Deputies, where he took his seat in the right center, and remained until the last day, that is, until 1848, (he having been kept in office for eleven years,) one of the most devoted supporters of the Orleans family. The February revolution surprised him, still full of confidence in the political wisdom of M. Guizot, for whom he had obstinately voted under all circumstances.

M. de Chabaud Latour seems to have kept aloof from politics under the empire. King Louis Philippe made him a colonel in 1845, the Emperor Napoleon III appointed him brigadier-general in 1853, and assigned to him the chief command of the engineer corps in Algeria. The war of 1870 found him inscribed among the reserves, with the title of general of division, which he had held since 1857.

He asked to be assigned to active service, was appointed as a member of the board of defense, and, during the siege, was commander-in-chief of the engineer force of the Paris army. It was in this capacity that he directed the work on the forts.

When sent to the National Assembly in 1871, by the department of Gard, he again took his old place in the right center, and afterward voted constantly with the Orleanists, especially on the 24th of May, 1873, against the order of the day, pure and simple, and against the motion not to accept the resignation of M. Thiers; on the 20th November, 1873, for the extension of the term of Marshal MacMahon; on the 18th of May, 1874, for the priority to be given to the political electoral law; and, finally, on the 15th of June last, against pressing the motion of Casimir Perier. When it last chose its officers, the National Assembly elected General Chabaud Latour as its vice-president.

It is reasonable to suppose that the new minister of the interior, who, we may remark, considers himself as holding his office *ad interim*, has preserved for the Orleans family the sentiments which have been those of his whole life—that is to say, sentiments of affection and gratitude; but it is equally certain that the Bonapartists cannot count upon finding in him the complaisance to which they were habituated by the conduct of M. Fourtou. His attitude in the Bazaine case gave sufficient evidence of this.

M. Mathieu Bodet was born at la Moulède (Charente) December 16, 1817. He took his degree as Doctor of Laws in 1842, and was admitted to practice in the court of appeals in 1845; he was elected to the Assembly in 1848, and while there always voted with the right, except on the question of the banishment of the Orleans family, for which he voted with the left. He was subsequently the secretary of the committee on budgets, in 1850 and 1851, and supported the policy of the prince-president until January 22, 1852. The famous decrees of that date caused him to leave the Bonaparte party, which he had, however, not abandoned after the 2d of December. Having returned to private life, he devoted himself entirely to his business as a practitioner before the council of state and the court of appeals. A reconciliation seems, meanwhile, to have taken place between him and the Orleans family, since that family engaged him to defend it before the council of state when the confiscation decree was issued.

M. Mathieu Bodet was chosen counselor-general for Charente under the empire; but, being desirous of re-entering political life, he made an unsuccessful effort in 1863 to get elected to the Corps Legislatif by the Charente district. In the month of February, 1871, he was more fortunate. His votes in the National Assembly do not render it possible to class him in any well-defined group. On the 24th of May, 1873, he voted against the order of the day, pure and simple, and consequently contributed to the departure of M. Thiers; on the 19th of June last, however, he voted to press the motion of M. Casimir Perier. This latter vote, and certain words which are attributed to him, gave ground for the belief that the new minister of finance belongs to the daily increasing number of deputies who are for a permanent republic.

No. 240.

Mr. Washburne to Mr. Fish.

No. 1022.]

LEGATION OF THE UNITED STATES,
Paris, August 21, 1874. (Received September 3.)

SIR: As we are in the long recess of the National Assembly, and, with-

out waiting for the expiration of the year, I have thought you might now be interested in a brief retrospect of the prominent events which have taken place in France since the first of January last. I have written you very fully from time to time in regard to what was taking place, together with my own appreciations of the situation, but what I now propose to do is to group together in one dispatch certain important incidents which have a real importance to all who are interested in the political affairs of France. In doing this, and in order not to break the thread of my narrative, I shall go over some ground more fully covered by my detailed dispatches.

THE SITUATION AT THE BEGINNING OF THE YEAR.

The close of the year 1873 was rather gloomy, but the first half had witnessed the accomplishment of three great objects, which had excited the wonder and admiration of all nations: the payment of the immense indemnity to Germany, the liberation of French territory, and the restoration of French national credit. But in the advent of the new year the political situation was not re-assuring. When the Assembly came together after the new year's recess the Duke de Broglie cabinet had to confront the fact that after having been in office some seven months it had not succeeded in definitively constituting the powers of Marshal MacMahon. After M. Thiers had been thrust from power by the skillful and extraordinary combination of all the hostile elements opposed to him, it was not long before the members of the extreme right began to give indisputable evidence of intractability and intolerance. The evidently increasing strength of republicanism in the country at that time added greatly to the annoyance of that division of the Assembly which could see no salvation except in the absolute triumph of unadulterated legitimacy. Whatever disposition the government might have had to yield something to the exigencies of public opinion, whatever action it might take in political affairs, it was almost certain to find the legitimists in the Assembly in compact opposition to it. In the presence of such discordant and clashing views an open rupture sooner or later was inevitable.

THE MAYOR'S BILL—FIRST REPULSE SUFFERED BY THE CABINET, JANUARY 9, 1874.

The first and open and public symptom of disagreement between the government and the right appeared on the subject of the mayor's bill, an account of which I gave you in my No. 918. Though the ministers had declared before the Assembly and the country that it would be impossible for them to govern without that law, and had made the immediate discussion of it a cabinet question, the right was in no way moved, but, on the other hand, the Marquis de Franclien, who belongs to that coterie in the Assembly denominated *cheval-légers*, because their enemies charge them with being equally inconsiderate, rash, and intransigent, made a proposition for the postponement of the measure. Notwithstanding the declaration of the ministers, and the imminence of a ministerial crisis, the motion of the marquis was carried by a majority of forty-two votes; thereupon the ministry immediately tendered their resignations. The President, however, believing that he might avoid a change in the ministry at this time, refused to accept them for the moment. Then a compromise was patched up, and the *cheval-légers*, going back on their action, gave the cabinet a vote of confidence and reconsidered the post-

ponement of the mayor's bill. This sweeping measure was passed a few days afterward; it gives the government the appointment of all the mayors in France, and invests it with absolute control over seventy-two thousand communal officers.

THE UNIVERS NEWSPAPER INCIDENT—THE DECLARATION OF THE DUKE DECAZES, JANUARY 20, 1874.

This compromise between the cabinet and the right proved hollow and insincere. The *cheval-légers* still maintained an independent and haughty attitude, particularly on religious questions, the natural consequence of which was to greatly embolden the clerical party outside of the Assembly. The clergy, especially, soon forgot their usual prudence, and availed themselves of every opportunity of vindicating the claims of the Pope, and openly or impliedly censuring the German government. Such manifestations could not but touch the Berlin cabinet, and Mr. de Fourtou, then minister of public worship, found it necessary to send to the heads of the clergy an official circular, requesting more moderation and prudence on their part. This circular proved of no avail, for the bishops still persisted in their irritating language. The government was therefore called upon to take more decisive measures. It suspended for two months the most combative organ of the clerical party, the *Univers*, which had just published a *mandement* (bishops' charge) still more emphatic than the preceding ones. To this vigorous measure was added an earnest declaration of the Duke Decazes in the Assembly, on the occasion of an interpellation of General du Temple touching the policy adopted by the government in Italy. This declaration was to the effect that the government was firmly resolved to limit itself to filial sympathy toward the Pope, and to keep up with the Italian government, such as circumstances had made it, cordial and friendly relations. This frank statement, which so well conformed to the public sentiment, restored to the ministry a strength which was rather beginning to fail. It was especially favorable to the Duke Decazes, who from that time enjoyed an increased influence both in France and throughout Europe.

SCISSION BETWEEN THE EXTREME RIGHT AND THE CABINET—THE DURATION OF THE SEPTENNAT.

It only required some new incident to show how superficial was the harmony which apparently existed between the cabinet and the right. In order to explain the application of the "mayor's law" the vice-president of the council, the Duke de Broglie, had issued a circular, (January 23, 1874,) in which he spoke of the *septennat* as not revocable even by the sovereign Assembly. This was the first announcement of such a doctrine, either in the Assembly or elsewhere.

The members of the extreme right were startled by this bold declaration. They had always claimed the septennate as a mere temporary arrangement, doomed to disappear so soon as the Assembly should succeed in establishing a definitive government, which was in their estimation to call Henry the Fifth to the throne.

The most advanced organs of the party, the *Union* and the *Gazette de France*, immediately undertook to show that the prorogation law had not the meaning and significance attributed to it by the Duke de Broglie. There seems to be in this law a strange ambiguity, and it is now claimed that it was intentional, and used to secure the votes of all

the various factions of the Assembly who stood in opposition to the supporters of Mr. Thiers. But when the vice-president of the council gave an official construction to the law which did not suit the views and purposes of the extreme right, who contributed so much to the overthrow of Mr. Thiers, these gentlemen became furious, and announced their determination to repay their adversaries for playing on them what they called a "parliamentary trick." It was at this time that the President took occasion to express *his* views on the subject in an address to the tribunal of commerce of Paris, (February 4, 1874.) In his address he declared plainly that he had been elected President *irrevocably* for seven years, and would defend his power till the end of that term. His frank and unequivocal language astonished the legitimists, who did not expect any such firm declaration. From that time they rallied all their forces in the Assembly, determined to overthrow the ministry on the very first occasion that should offer.

BONAPARTIST AND REPUBLICAN MOVEMENTS—ADJOURNMENT OF THE ASSEMBLY.

While the Assembly was the theater of all sorts of intrigues, the Bonapartists outside were not idle. On the 7th of February, 1874, they secured the election of their candidate for a vacancy in the Assembly, M. Seus, from the department of the Pas de Calais. Encouraged by this success, Prince Napoleon and M. Rouher each published letters a few days after. The former boldly declared that he did not acknowledge any government that had not been established by universal suffrage, while the latter, more cautious, accepting the septennate, pointed out at the same time the many and weighty objections to it. A few days after the Duke de Padone, through a government functionary, publicly invited the Bonapartists to go to Chiselhurst on the 16th of March, and pay their homage to the Prince Imperial on the occasion of his reaching his political majority. A large number of the "faithful" went on the mission, and among that number many government officials, in defiance of a circular of the Duke de Broglie forbidding any public functionaries from participating in the manifestation.

On their side the legitimists were up and doing, and seemed to fancy they had a chance of success. Even the Count de Chambord went so far as to announce that idea himself to M. Laurente, the director of the Union, in a letter published on the 21st of January, 1874.

Neither had the republican party remained idle. On the 7th of February they returned M. Herisson as a deputy to fill a vacancy from the Haute Saone, and on the 1st of March they elected as deputies to fill vacancies Ledru Rollin from the Vaucluse, and M. Lepetit from the Vienne. These three elections showed that the republicans were making obvious advances in public opinion. To sum up the whole business, outside of the Assembly the republicans and Bonapartists were alone gaining ground. As for the legitimists, they were simply the victims of a self-delusion. As to the Assembly itself, after three months of hard and real labor it took a recess from the 28th of March to the 12th of May, 1874.

THE SIXTEENTH OF MAY—THE DUKE DE BROGLIE'S CABINET OVERTHROWN.

On its return the Assembly was called upon to organize the powers of President MacMahon, as it was impossible to put off the question any

longer. But the legitimists had made up their mind that, so far as they were concerned, they would not allow anything to be done that might impair their assumed right of restoring, whenever they could, the traditional monarchy. While acknowledging the legality of President MacMahon's powers, they contended that they were inseparable from his person; thus refusing to acknowledge the septennate as an *institution*. Their idea was this: "We accept the marshal, but only the marshal. He is in office, and we do not propose to remove him; but we maintain we have the *right* to do so whenever we choose; and should he die or resign, the septennate is at an end." Such was the position assumed by the two authoritative newspaper organs of the party, the *Union* and the *Univers*; the one representing pure legitimacy, the other the intransigent Roman Catholics. Both papers plainly declared that in the present state of affairs, should the cabinet presume to introduce the "constitutional law," the legitimists' party would take the act as a declaration of war. The ministers, under the pressure of public opinion, and of the members of the left, were obliged to accept the challenge and to bring forward the "laws." The proposed three bills: The first, and most important, provided for the transmission of powers in case of a vacancy in the presidency; the second created an upper chamber; while the third, and last, regulating the electoral system, was divided into two parts, the former concerning political and the latter municipal elections. Of these three laws, the first two only had a constitutional character, and were, therefore, the most obnoxious to the extreme right. In the interest of conciliation, the cabinet proposed to first discuss the political electoral law; but, apparently as a pretext, the right insisted that it had a constitutional character, and, through one of their most prominent members, M. Lucien Brau, demanded that the municipal electoral law should be first discussed. To this the Duke de Broglie interposed a formal and emphatic objection, thereby raising, squarely and directly, a question of cabinet; and here the *cheval-légers* found their opportunity. There was no discussion whatever, and, upon a vote being taken, it was found that the ministry was overthrown by a majority of sixty-two voices. In this memorable sitting, (May 16, 1874,) in which the friends of Mr. Thiers obtained a signal revenge, the cabinet had been opposed by fifty-two members of the extreme right, most of the Bonapartists, and all the fractions of the left. Thus fell suddenly, and, as it were, in the twinkling of an eye, the celebrated "De Broglie cabinet." Born of one coalition, it was summarily committed to an inhospitable grave by another.

THE TWENTY-SECOND OF MAY—THE DECAZES-FOURTOU CABINET.

The overthrow of the De Broglie cabinet left President MacMahon in an embarrassing position. According to parliamentary usage, he should have taken his new ministers from the victorious majority, but that was rendered impossible by the warring and incongruous elements of which that accidental majority happened to be composed. Hence, the ministerial crisis became very serious, and lasted a whole week. Finally, after attempting ten different combinations, not one of which was successful, the President constituted a new ministry belonging wholly to the minority. Three of the former ministers had been retained, M. Magne, for his influence in financial circles; the Duke Decazes, whose talents and diplomatic ability were universally acknowledged; and M. de Fourtou, whose energy and oratorical power were beginning to be noticed. M. Magne was a Bonapartist and former finance minister of the Emperor,

the Duke Decazes was an Orleanist, while the tendencies of M. de Fourtou were undecided, but after a few weeks he sided more or less openly with the Bonapartists.

ACTION OF THE BONAPARTISTS, ETC.

The new ministry had hardly been constituted when the political factions, the plague of all countries where they exist, began new intrigues. The Bonapartists had been greatly encouraged by having elected a deputy to fill a vacancy in the Nièvre, (May 24, 1874,) the Baron de Bourgoing. At a previous election the department had gone strongly republican. In the face of such a real success, and finding themselves supported in the ministry by Messrs. Magne and de Fourtou, who, in all branches of their departments, put in men who had served the empire, the Bonapartists became aggressive and elated. On the 9th of June, Mr. Girerd, a republican deputy, produced before the assembly a document tending to show that the Bonapartists had a secret organization, contrary to law. M. Rouher flatly denied that such organization existed, and a stormy debate arose, in which M. Gambetta denounced the Bonapartists as "miserable," (villains.) This language incensed the members of the party to the highest degree, and caused an immense tumult in the body. When the incident became known in Paris, it produced a great sensation among the Bonapartists, who on the next day organized, at the St. Lazare railway-station, a manifestation against the republicans, in which M. Gambetta was insulted and attacked with personal violence. Some of the Paris journals grew very violent over this event, and the agitation increased. To put an end to this, the government suspended for the period of fifteen days three newspapers: the Pays, an ultra-Bonapartist organ; the Rappel, the organ of the radicals and the Hugo family; and the XIX^e Siècle, a republican conservative paper, but very violent in its anti-Bonapartist tendencies. This was on the 12th of June.

SECOND OF JULY—COUNT DE CHAMBORD'S MANIFESTO—INTERPELLATION OF THE EIGHTH OF JULY.

The agitation caused by the St. Lezare disturbance had hardly died away when a new incident arose: the "King" issued a manifesto. In this paper, written in a tone of apparent sincerity, and in an elevated and chivalrous style, Count de Chambord boldly addressed the French people. Commencing by the announcement "My birth has made me your King," he proceeded in eloquent language to exhort them to rally behind the "House of France," whose members were sincerely reconciled and could alone give them security and dignity. Unfortunately for the legitimists, and fortunately for the other parties in France, this manifesto said not a word of the only important question—the question of the flag. It was, indeed, like the play of Hamlet with Hamlet left out. Hence it made no impression on the Assembly or the country. But the government could not permit such a paper, striking at the very foundation of its existence, to pass unnoticed. It deemed it its duty to adopt severe measures, and it therefore suspended the Union, an ultra montane journal of Paris, which had first published the document. This vigorous treatment greatly exasperated the legitimists, and, as I wrote you in a dispatch at the time, M. Lucien Brau, in their name, interpellated the government in the assembly. The debate on this interpellation took place on the 8th of July, and was one of the most exciting

and serious that has ever taken place in the Assembly. The question raised by the legitimists was this: "By striking down the Union, and thus reaching Count de Chambord himself, did the government intend to deny the legitimists the right of restoring the monarchy?" In a clear, energetic, and, at times, eloquent speech, M. de Fourtou declared that such was the intention of the government. The septennate, he said in substance, is above all parties, and we will no more allow the legitimists than the republicans and Bonapartists to question its principle or its duration.

The situation being thus clearly stated, the votes were taken, first on the "order of the day," proposed by the legitimists, which, excluding from the debate the law of the 20th of November, 1873, (instituting the septennate,) blamed the suspension of the Union. This was rejected by an overwhelming majority of three hundred and seventy-nine votes. Then was considered another "order of the day," introduced by M. Paris, and accepted by the government, affirming the duration of President MacMahon's powers for seven years, but reserving constitutional questions. All parties in the Assembly who did not acquiesce in the sentiments expressed by M. de Fourtou touching the septennate, voted against this order of the day, and the ministry was defeated by a majority of thirty votes. But before the end of the sitting a proposition of the "order of the day pure and simple," (laying the whole subject on the table,) was introduced and adopted. The real meaning of this whole action was this, that the assembly opposed the government when it opposed the legitimists, and blamed it when it set up the septennate as irrevocable.

MESSAGE OF PRESIDENT MACMAHON.

After that memorable sitting, where the right had unwittingly served all the other parties, the ministers felt bound to tender their resignations, but the President refused to accept them, and sent to the Assembly a very plain message, in which, after declaring his powers irrevocable, he declared that he would use in their defense such means as the law had placed at his disposal. He reminded the deputies of the obligations which they had assumed to give him constitutional laws, adding that he would instruct his ministers to specify such as were necessary. This emphatic message plainly indicated that the President had no leanings in favor of the republic. A fortnight later the government openly declared against it in the discussion of the bill of M. Casimir Perier.

RESIGNATION OF MESSRS. MAGNE AND DE FOURTOU.

Meanwhile a new modification of the ministry had taken place. M. Magne, defeated on a question concerning the budget, resigned on the 15th of July, and M. de Fourtou, having vainly endeavored to have his colleagues select another Bonapartist in place of his retired colleague, resigned, in his turn, July 20, 1874. The two vacancies were filled by the appointment of General de Chabaud-Latour, an avowed Orleanist, to the interior, and Matthieu Bodet, not belonging to any of the divisions of the assembly, but an Orleanist at heart, to the ministry of finance. Adding these two names to that of the Duke Decazes, the Orleanist princes have now a large influence in the MacMahon government.

REJECTION OF M. PERIER'S BILL.

A few days after July 23, the bill introduced by M. Casimir Perier was discussed, the urgency of which had been voted by the Assembly

on the 15th of June. This bill declared that the republic was the definitive government of France, but at the same time provided that it might be revised. Had the cabinet declared in favor of the proposition, it would have been carried immediately, but at the beginning of the sitting in which it was to be discussed General de Cisse, speaking in the name of the government, read a declaration opposing it, and demanding instead thereof that laws should be made to more thoroughly organize the septennate, and especially that a second chamber should be created, and that the President should have the right to dissolve the lower assembly. In the discussion which followed the Duke de Broglie supported the government. His speech was able, bitter, and energetic, appealing skillfully to all the prejudices that could be evoked against a republic and republicanism. The bill was lost by a majority of forty-one votes. This result, which showed once more how utterly unable the Assembly was to organize anything, induced Mr. Leon Maleville to bring forward a motion for the dissolution of the Assembly. This motion was rejected on the 29th of July, by a vote of three hundred and seventy-five against three hundred and thirty-two. Devoting a few days most diligently to closing up the annual budget, on the 5th of August the Assembly adjourned over until November 30, 1874. This vacation has been well earned. Whatever political faults may be charged against the members, they cannot be reproached with any neglect of official duty, for they have addressed themselves diligently and intelligently to the practical legislation demanded by the country.

There are other matters I intended to allude to in this dispatch—the complaint of Spain against France in regard to supplies of war-material sent to the Carlists over the French border; the recognition of the Spanish republic by the European powers, Germany taking the lead here, but all following in the lead of the United States; and the result of the recent election in the Calvados. But this dispatch has already extended to such extreme length that I know you will be glad to have me postpone the discussion of these matters to some future time.

I have, &c.,

E. B. WASHBURNE.

No. 241.

Mr. Fish to Mr. Washburne.

No. 644.]

DEPARTMENT OF STATE,
Washington, September 7, 1874.

SIR: I have to acknowledge the receipt of your dispatch, No. 1004, of the 24th July last, requesting to be informed in regard to the dissatisfaction which the Journal Officiel states exists in Philadelphia and elsewhere in the United States among French emigrants.

In reply, I transmit copy of a letter from the mayor of Philadelphia in answer to an inquiry from this Department as to the truth of the reports in question.

I have, &c.,

HAMILTON FISH.

[Inclosure.]

*Mr. Stokley to Mr. Fish.*MAYOR'S OFFICE OF THE CITY OF PHILADELPHIA,
August 31, 1874.

DEAR SIR: Your communication of 19th instant was received, inquiring as to dissatisfaction existing among French emigrants in this city.

No complaint of any kind has been made to this department in relation thereto. Since receipt of yours I have been informed the trouble grows out of misrepresentations made by the agents who induce the parties to emigrate, they being unable to procure work upon their arrival in this country, and not possessing means to return.

W. S. STOKLEY.

GERMANY.

No. 242.

Mr. Bancroft to Mr. Fish.

No. 502.]

AMERICAN LEGATION,
Berlin, July 23, 1873. (Received August 16.)

SIR: Frequent inquiries are addressed to the legation on the part of the authorities and the courts of justice here, as well as by individuals, respecting the genuineness of diplomas issued by the so-called "American University of Philadelphia."

One of the latest of these inquirers incloses the accompanying circular, which had been sent him. This paper, it will be observed, is stated to be "for private circulation." It offers to confer degrees and issue diplomas in all the branches of learning to persons in Europe, without requiring their presence, and indicates an agent in Jersey, England, as the person to whom application is to be made. I am informed that the price asked for the highest degree is \$150.

I cannot think that any reputable institution in the United States would thus, underhand, offer to peddle its honors indiscriminately to any who would pay for them, and am led to hope that the enterprise may emanate altogether from England.

As much importance is attached to university degrees in Germany, and they are conferred with scrupulous care, their sale either by, or ostensibly on behalf of, a university with us, tends to bring our institutions of learning into disrepute, and is a detriment to the cause of letters everywhere.

I have thought it proper, therefore, to bring the matter to your attention, with a view to such measures being taken to expose and correct this abuse as may seem to you judicious.

I am, &c.,

GEO. BANCROFT.

No. 243.

Mr. Davis to Mr. Bancroft.

No. 603.]

DEPARTMENT OF STATE,
Washington, August 18, 1873.

SIR: Referring to your No. 502, requesting information concerning the so-called American University of Philadelphia, and especially in regard

to the proceedings of one Dr. P. F. A. Vander Vyver, of the island of Jersey, who offers for sale certain diplomas of the above-mentioned institution, I inclose herewith for your information a copy of a communication from the executive department of Pennsylvania, and of its inclosures, in answer to inquiries made at the instance of the consular agent of the United States at Königsberg, concerning the subject in question.

I am, &c.,

J. C. B. DAVIS,
Acting Secretary.

[Inclosure 1 in No. 603.]

Mr. Norris to Mr. Fish.

EXECUTIVE CHAMBER, HARRISBURGH, PA.,
March 7, 1873. (Received March 10.)

SIR: In reply to your letter of the 3d instant, making inquiry "whether the Philadelphia University of Medicine and Surgery have authority to grant a diploma of Doctor of Philosophy to a person who has not been a regular student of the university or who has not graduated in its course of study," by direction of the governor I have the honor to transmit herewith a communication, with an accompanying circular from the secretary and treasurer of the board of trustees of the University of Pennsylvania, which doubtless convey the information desired.

I am, &c.,

A. WILSON NORRIS,
Private Secretary.

Hon. HAMILTON FISH,
Secretary of State.

[Inclosure 2 in inclosure in No. 603.]

Mr. Biddle to Governor Hartranft.

PHILADELPHIA, 208 SOUTH FOURTH STREET,
March 6, 1873.

DEAR SIR: The letter from the Hon. Mr. Fish, with your indorsement, was this morning received.

An institution entitled the Philadelphia University of Medicine and Surgery did exist in Philadelphia, with power to confer degrees, but at the last session of the legislature its charter was repealed. Dr. William Paine was the dean of this institution.

An elaborate report was at that time made by a committee, appointed by the legislature, which recommended the repeal of several charters. The report was adopted, and a bill passed.

It is reported that by an oversight the bill then passed did not repeal the charter of one of the institutions it was designed to reach.

The title of the Philadelphia University of Medicine and Surgery caused it to be confounded with the University of Pennsylvania, causing much very serious annoyance to the authorities of the latter, with which I am connected as secretary and treasurer.

I remain, &c.,

CADWALADER BIDDLE.

His Excellency Governor HARTRANFT.

[Inclosure 2 in inclosure No. 603.]

[Circular.]

UNIVERSITY OF PENNSYLVANIA,
Philadelphia, September, 1871.

Frequent applications are made to the authorities of this university by gentlemen who desire to obtain honorary degrees. As these applications are made in evident ignorance of the rules which govern the university in conferring these degrees, as well as of the law of the State of Pennsylvania on the subject, it has been thought best to reprint the existing regulations.

Extract from the statutes of the university.

"Of honorary degrees in divinity, law, arts, and medicine :

"1. These may be conferred either at the instance of the faculty or in pursuance of a resolution of the board of trustees ; but no such degree shall be conferred unless the mandamus ordering the same be signed by two-thirds of the whole number of trustees, nor unless the candidate shall have been nominated at the board three months previously to taking the question on conferring the degree.

"2. The question on conferring an honorary degree shall always be decided by ballot, and the candidate must receive a unanimous vote.

"AN ACT to prohibit the sale of academic degrees.

"SECTION 1. *Be it enacted by the senate and house of representatives of the commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same,* That it shall not be lawful for any university, college, or other institution incorporated under the laws of this State, with power to grant academic degrees, honorary or otherwise, to confer the same upon any person or persons upon the payment, or promise of payment, by any person, in consideration thereof ; and any person knowingly signing a diploma or other instrument of writing purporting to confer an academic degree when such consideration has been paid, or promised to be paid, shall be guilty of a misdemeanor, and on conviction thereof be sentenced to pay a fine not exceeding five hundred dollars and to undergo an imprisonment not exceeding six months, or both, or either, at the discretion of the court.

"Approved May 19, 1871."

No. 244.

Mr. Bancroft to Mr. Fish.

No. 527.]

AMERICAN LEGATION,

Berlin, October 6, 1873. (Received October 30.)

SIR : While perfect freedom remains to all Germans that wish to emigrate to the United States, the governments of the several states are becoming impatient at the presence within their limits of agents of emigration, and in two or three instances such agents have been summarily directed to quit the state in which they prosecuted their business. Perhaps not every one of the agents has conducted himself discreetly, and, as far as I have been able to observe, they have brought to the United States no increase of desirable emigration. In some cases the agent is a naturalized German-American citizen again established in Germany, apparently without an intention to return to the United States, and, therefore, feeling no kind of responsibility to our Government. Of the motives to emigration, the most influential is the low price paid in Germany for agricultural labor, which has led many of the country-people to flock to the towns and cities and many to cross the Atlantic.

I have thought it incumbent on me to do what I could to restrain the arbitrary procedures of the local governments, and the only measure I could adopt is to ask that in every instance of expulsion there be notice given, with assignment of the reasons.

The books of Heffter and Bluntschli both authorize, and even recommend, this procedure, but both maintain the right of expulsion.

In two cases emigration agents have appealed to the legation. In one case it had been proved that the emigration agent had assisted a fraudulent bankrupt in escaping to America. The agent, in his conversation with me, did not so much deny the fact as insist on his own innocence, founded on his ignorance and good intention.

A second case is that of a commissioner of immigration from the State of Michigan, of whose personal character I have received the best accounts. I have, therefore, selected his case for a more formal statement to the government, of which I inclose a copy.

The beneficial results which I expect from this course are two: To increase the disinclination of the government to the use of this measure, and to obtain a clearer definition of the rights and duties of emigrant agents, so that in the pursuit of their business they may know how to avoid all violations of law.

Besides the above two cases of professional emigrant agents, three naturalized Americans of the neighborhood of Saarburg, in the district of Treves, have been recently sent over the frontier for alleged enticement of laborers to go to America. I brought the case to the attention of the Prussian government, which made its explanations, without reversing its decree.

* * * * *

I remain, &c.,

GEO. BANCROFT.

[Inclosure.]

Mr. Bancroft to Mr. Von Balan.

AMERICAN LEGATION,
Berlin, October 1, 1873.

MR. SECRETARY: In conformity with the suggestion of your excellency, that I should make a written communication on the subject of our yesterday's conversation respecting the recent expulsion of American citizens from the German Empire without trial by law or conviction of any offense, I do myself the honor to present some suggestions for your consideration.

There are two grounds on which the United States may claim the right to make representations on the subject.

I. As a question of international law, it is very clearly laid down by the highest German authorities that the government of which a citizen is thus expelled has a right to expect information of an expulsion and of the reason for it. Heffter, in his *Europäisches Völkerrecht*, § 33, vo., p. 64, lays down this rule:

“Kein Staat kann die gehörig legitimirten Unterthanen eines anderen befreundeten Staates zurückweisen, oder, nachdem sie einmal von ihm aufgenommen sind, wieder ausweisen ohne bestimmte ihrer Regierung mitzutheilenden Ursachen.”

II. Another ground exists in the treaty of May 1, 1828, between the King of Prussia and the American Republic, by the terms of which, as distinctly expressed in Article I, American citizens are at liberty to sojourn and reside in all parts whatsoever of Prussia, and shall enjoy the same security and protection as natives of the country, on condition of their submitting to the laws and ordinances there prevailing.

There is another point of view which I desire to bring to your excellency's attention. The Government of the United States, equally with the German government, desires its citizens residing in a foreign country to conform scrupulously to the laws of the land. But when a new interpretation is put upon existing laws, or a different practice under them is suddenly followed, it is obviously desirable to give warning of the change in advance, in order to obviate its infringement.

The special case to which I now beg leave to direct the attention of your excellency is that of Mr. Allardt, now resident in Leipsic. He has published a pamphlet and an occasional newspaper on the subject of the State of Michigan. I inclose the pamphlet and specimens of those papers for your exact information, and I cannot but agree with the observation of your excellency, that the simple publication of information is not an offense or a breach of German law. So far as I know, it is not charged against Mr. Allardt that he has ever attempted to persuade any person to emigrate to America.

I beg leave further to add, that, as far as Mr. Allardt is known to this legation, he is held to be a man of truth and honor, and every way worthy of esteem. Yet he has been expelled and a respite of but one week allowed him for his preparations.

I inclose the papers in his case, with the request, first, that a delay may be granted him until the question of his expulsion may receive further consideration; and, next, I would ask permission for him to continue to reside in the German Empire, obeying its laws, which, so far as he is informed, he has not violated.

I gladly avail myself of the occasion to renew to your excellency the assurance of my most distinguished consideration.

GEO. BANCROFT.

P. S. Dr. Bluntschli, in section 384, of the second edition of his *“Modernes Völkerrecht,”* fully confirms the opinion of Heffter.

G. B.

No. 245.

Mr. Bancroft to Mr. Fish.

No. 532.]

AMERICAN LEGATION,

Berlin, October 27, 1873. (Received November 14.)

SIR: I annex to this letter an authentic copy, in its original Italian, of the letter of the Pope to the Emperor William, of August 7, of this year. The effect of the correspondence has been only to increase the popularity and European reputation of the Emperor, and to depress the influence of the clerical party, thus confirming the accounts which I have always given you that the ultramontane political influence can never become vitally dangerous in this empire. The Catholic clergy are obviously beginning to regret having commenced with the state a contest in which it is not possible for them to gain the advantage. The intelligent Catholics themselves, for the most part, support the government, and so have received from the ultramontanes the nick name of State Catholics. This controversy has nothing new about it, unless it be that the Emperor, whom the Pope arraigns, is a Protestant. I need not remind you that in the last century Charles III, King of Spain, made this very question the test in his selection of his ministers, and the Spanish language has a word to designate it, *Regalismo*, the authority of the state, as opposed to papal interference. The matter was pushed so far at that time, that the King of Spain, aided by the courts of France and Portugal, obtained the total abolition of the order of Jesuits, as it was supposed, forever. I interpret the assumption in our age of a power which was given up by the Roman See a hundred years ago as evidence of a consciousness of the decline of papal authority, and as a desperate attempt to recover it. The attitude of the Emperor William is not only approved by many of the most enlightened Catholics in his own dominions, but also by the majority of the influential Catholics in Austria. Two and a half centuries ago the house of Austria, possessed of the crown of the Holy Empire, was very near extirpating from Germany the Protestant faith. And now the descendant of the principal Protestant prince of that day has obtained not the crown of the old Holy Roman Empire, as it was called, but of the German Empire, and is welcomed at Vienna by the Austro-Hungarian Emperor, with the most marked manifestations of friendship, among them the honorary command of a regiment in the Austro-Hungarian army.

The general result of all is, that Europe, alike Catholic and Protestant, is sick of the boundless pretensions of the Roman See, and is seeking how to avoid papal influence on the external and internal political relations of the state.

The special results for the moment in Germany are a confirmation of opposition to those pretensions, which will manifest itself in the elections for the next legislature of Prussia and in the approaching elections for the German Diet. In foreign affairs the result is a union of the eastern powers in favor of peace; that is to say, in favor of leaving the unity of Italy undisturbed, so that the temporal power of the Pope is as likely to be restored as that of the King of Naples.

I am, &c.,

GEO. BANCROFT.

[Inclosure.—Translation.]

The Pope to the German Emperor.

AUGUST 7, 1873.

YOUR MAJESTY: All the measures which have been taken for some time by the government of Your Majesty look more and more to the destruction of Catholicism. When

I reflect upon the causes which may have given rise to these most harsh measures, I confess that I can see none at all. I am told that Your Majesty does not approve the conduct of your government or the severity of the steps taken against the Catholic religion. If, however, Your Majesty does not approve, and the letters which you have heretofore written sufficiently show that you cannot approve all that is now being done; if Your Majesty, I say, does not approve this, how is it that your government continues in the path which it has entered, constantly increasing the rigor of its measures against the religion of Jesus Christ, which, while they do so much harm to that religion, are only undermining Your Majesty's throne, as you may rest assured? I speak with frankness, because truth is my banner, and I speak in order to do my whole duty, which obliges me to tell the whole truth, even to those who are not Catholics, inasmuch as whoever is baptized belongs in some measure, and in a manner which this is not the proper place to explain, to the Pope. I feel convinced that Your Majesty will receive these my reflections with your usual courtesy, and will take such steps as the case requires, while, with all regard, I pray God to unite you with me through the bonds of charity.

PIO P. M.

AT THE VATICAN, *August 7, 1873.*

No. 246.

Mr. Fish to Mr. Bancroft.

No. 626.]

DEPARTMENT OF STATE,

Washington, November 3, 1873.

SIR: I have to acknowledge the receipt of your No. 527, of the 6th ultimo, inclosing copy of a communication addressed by you to the minister for foreign affairs relating to the expulsion of emigration agents from German territory, and to request that the Department may be informed of the particulars connected with the expulsion from near Saarburg of the three persons referred to in your dispatch.

I am, &c.,

HAMILTON FISH.

No. 247.

Mr. Bancroft to Mr. Fish.

[Extract.]

No. 540.]

AMERICAN LEGATION,

Berlin, November 12, 1873. (Received December 8.)

SIR: The newly-elected Prussian Diet came together to-day. On account of the illness of the King, the opening speech, of which I inclose a copy, was made to them by Mr. Camphausen, now vice-president of the ministry. The character of the house is liberal. The Catholics of Prussia form about one-third of the population, and the ultramontanes have but a fifth of the representation. This is a gain to them of several votes; but, on the other hand, the party representing the extreme of orthodox Lutheranism and so-called feudalism has disappeared. In a house of four hundred and thirty members, the extreme radicals, the extreme conservatives, the ultramontanes, the discontented and all but disloyal Poles, taken together, count scarcely one hundred and thirty votes against three hundred who are united on the basis of attachment to the unity of Germany and to the progress of liberal principles in legislation.

* * * * *

I am, &c.,

GEO. BANCROFT.

No. 248.

Mr. Bancroft to Mr. Fish.

No. 542.]

AMERICAN LEGATION,

Berlin, November 21, 1873. (Received December 11.)

SIR : I received your instruction No. 626 just as I was on the point of reporting the circumstances of the expulsion of three persons from the district of Saarburg, mentioned in my No. 527, having had my last interview on the subject with this government on the 19th.

The legation received, on August 1, a communication from Luxembourg, signed Peter Puhl, Johann Wirtz, and Peter Blasius, complaining that they, American citizens, had been ordered out of German territory.

The legation at once addressed a note in their behalf to the foreign office, and subsequently, in a personal interview, and again in writing, renewed the application. The legation was, meanwhile, left by the parties, notwithstanding its repeated requests for definite information and proofs, in great uncertainty as to the merits of the case.

When, therefore, the reply of the government was received, approving the expulsion and assigning as its reason that the persons expelled had violated the laws of the land by enticing laborers to emigrate, the legation could make no further representation; nor have these persons, since they have been informed of the ground of their expulsion, given any satisfactory account of their real business in Germany although repeatedly urged to do so. They have, however, remained in Luxembourg, just over the German border, whence they have recently addressed to me a further appeal, still failing to state what is the real business for which they wish to return to Saarburg.

The legation has taken great pains to solicit the facts from the complainants, but without success. They confine themselves to affirming that their business in Saarburg was not to entice workmen to emigrate, without disclosing what is their object there.

On the other hand the German government has exhibited to me the reports of its officials, and assures me that the matter has received the most thorough and impartial investigation; that as the result of that investigation it appears that these men were agents of manufacturers in America to induce the emigration of workmen from Saarburg, where there are large manufacturing establishments; that they pursued their agency with considerable success; and that in the procedure they violated the laws of the kingdom.

Here there was a direct conflict of statement between the complainants themselves and the German government which I was not able to reconcile; but, on the one hand, the legation had only the naked denial of the men; on the other, official documents reporting the results of the investigation.

I inclose copies of the notes exchanged with the government on the subject.

I remain, &c.,

GEO. BANCROFT.

[Inclosure 1 in No. 542.]

Mr. Bliss to Mr. Von Philipsborn.

AMERICAN LEGATION,

Berlin, August 4, 1873.

The undersigned, chargé d'affaires of the United States of America, has the honor to bring to the notice of his excellency Mr. Von Philipsborn, in charge of the foreign

office, the inclosed letter, signed by Peter Puhl, Johann Wirtz, and Peter Blasius, who describe themselves as being American citizens, temporarily sojourning in the district of Saarburg for purposes of business, and complaining that they have been, without notice and without any reason being assigned, forcibly expelled from German territory. As this legation has received no notice from the imperial government of an intention to expel from its territory any citizens of the United States, and no information of the grounds for the expulsion of the persons in question, the undersigned entertains no doubt that the proceeding complained of is the unauthorized act of merely subordinate officials, and that the imperial government will take pleasure in restoring his countrymen to the enjoyment of the hospitality which it extends to foreigners within its borders. As the persons in question have been forced to seek temporary refuge in Luxembourg, where they are detained at great inconvenience and loss, the undersigned would be glad to be as early as possible enabled by his excellency to assure them that they may return in safety upon German soil.

The undersigned avails himself of this occasion to renew to his excellency the assurance of his most distinguished consideration.

ALEXANDER BLISS.

[Inclosure 2 in No. 542.]

Mr. Bancroft to Mr. Von Philipsborn.

AMERICAN LEGATION,
Berlin, September 9, 1873.

The undersigned, envoy of the United States of America, has the honor once more to call the attention of his excellency Mr. Von Philipsborn, in charge of the foreign office, to the case of three American citizens in the district of Saarburg who, without assignment of any reason and without notice to this legation, have been expelled from German territory. The undersigned begs to refer to the communication on this subject addressed to his excellency as long ago as the 4th day of August last, and to the verbal renewal of the application on the 20th of August, and expresses the hope that the earliest practicable steps will be taken for the relief of his distressed countrymen.

The undersigned avails himself of this occasion to renew to his excellency, Mr. Von Philipsborn, the assurance of his most distinguished consideration.

GEO. BANCROFT.

[Inclosure 3 in No. 542.—Translation.]

Mr. Von Balan to Mr. Bliss.

BERLIN, September 18, 1873.

The undersigned has the honor to reply to the envoy extraordinary and minister plenipotentiary of the United States of America, Mr. Bancroft, while returning the inclosure of his letter, in answer to his esteemed notes of the 4th and 9th instant, that according to the report of the royal Prussian administration in Treves, Peter Blasius, John Wirz, and Peter Puhl emigrated some years since from Nitten. Having returned thither, they endeavored, by means of misleading representations and promises, to entice Prussian subjects to emigrate. In concordance with the provisions of the law, the above-mentioned persons consequently received notice to quit the country for enticing Prussian subjects to emigrate. The royal Prussian government, therefore, is not able to permit the return of Peter Blasius, John Wirz, and Peter Puhl to the kingdom.

Referring it to the envoy extraordinary and minister plenipotentiary of the United States of America to call the attention of the aforesaid three persons to the illegality of their conduct, the undersigned takes this opportunity to renew the assurance of his most distinguished consideration.

BALAN.

No. 249.

Mr. Bancroft to Mr. Fish.

No. 544.]

AMERICAN LEGATION,
Berlin, December 1, 1873. (Received December 19.)

SIR: The tendency of Europe is toward the American system of separating church and state. Here a twofold development is going

forward. On the one side there is an inflexible determination to enforce the supremacy of the state over all its citizens. In the pursuit of this object the government has gone so far as to demand of the archbishop of Posen his resignation. No doubt he will refuse, and a legal process for his deposition will ensue. He will then undoubtedly deny the validity of the act of deposition by civil authority; but the government will persevere in its purpose, though it does not conceal from itself the difficulty of the undertaking.

On the other hand, a step in the other direction is proposed, and is received with a very general approval. The clergy of the several denominations now keep the record of marriages, baptisms, and deaths, and so in fact perform most important civil offices, on which the transmission of all the property of the country, from one generation to another, depends. They also have some power to restrain freedom of marriage. At present a Jew and a Christian cannot intermarry, and obstructive forms precede the marriage of a Catholic and a Protestant, the marriage of Protestants of different denominations, and the marriage of one not avowing himself a Christian with another who is a Christian. A law is in preparation, soon to be brought before the Prussian Diet, making civil marriage obligatory, and intrusting to civil officers the registry of marriages, births, &c. The measure is required by the necessities of the times, since in many Catholic parishes there is no priest or curate whom the law recognizes; and since often the priests who are recognized forbid marriages between a Catholic who accepts the new dogma of papal infallibility and the old Catholic who rejects it. The measure is a long stride toward making the separation of church and state possible.

The Prussian finances are in a splendid condition. In the last year forty millions of their very inconsiderable debt has been discharged, and forty millions more of a contingent debt liquidated. The money-market here has been disturbed, but the sound principles on which the finances are administered has saved the business of the kingdom from disaster. The secretary of the treasury was asked to intervene in behalf of those who were in trouble, and wisely refused to do so. In this way the suffering has been confined as nearly as possible to those who were speculating on borrowed capital, or on no capital at all.

Yours, &c.,

GEO. BANCROFT.

No. 250.

Mr. Bancroft to Mr. Fish.

No. 547.]

AMERICAN LEGATION,

Berlin, December 8, 1873. (Received December 27.)

SIR: I inclose a copy of the correspondence between the chief president of the Prussian province of Posen and Count Ledochowski, the archbishop of Gnesen and Posen. The antagonism between civil and ecclesiastical power which has here received its strongest expression, is one of which the importance can hardly be rated too high. It is direct and absolute. The president recapitulates the laws of the kingdom which the archbishop has violated, and the archbishop represents himself as above those laws by the authority of the Pope, whom he calls the representative of God, and in his own right as appointed to rule his diocese by the Holy Ghost. With these pretensions the archbishop

takes no pains to draw a limit to the questions in which he may interfere, and the Catholic clergy in fact use all their power at the polls and in political discussions of all kinds through the press. The Prussian government is fully aware of the difficulties attending the contest in which they have engaged; but they profess no disposition to recede from their determination to cause the power of the state to be respected by every citizen of the state. Toward the archbishop the steps that are threatened are depositions and the removal of his place of residence to some other part of the kingdom.

Meantime the bishopric of Fulda remains vacant. If the Pope pursues his principles to their logical consequence, he will, contrary to all precedent, himself alone assume alike the appointment and the investiture of a new bishop.

I remain, &c.,

GEO. BANCROFT.

No. 251.

Mr. Bancroft to Mr. Fish.

[Extract.]

No. 550.]

AMERICAN LEGATION,

Berlin, December 15, 1873. (Received January 5, 1874.)

SIR: The Prussian government have brought in their new law transferring from the clergy to civil officers the registry of births, marriages, and deaths. The law avoids all possibility of conflict with any church. Every child, within a week of its birth, must be reported to the proper civil officer of the place, for registry, with the family name and the names given him; or if the parents have not decided on the latter, they may at any time within two months be added to the record. At the baptism of the child names may be given at will. The state takes cognizance only of those entered in its own registry. Marriage is to be preceded by a two-week publication at the town-house of the place of residence of one of the betrothed. The parties then appear before the proper magistrate, and in the presence of two witnesses make an affirmative answer to the question whether they wish to take each other in marriage. On the affirmative answer the magistrate declares them to be married. Whatever religious ceremonies may attend the nuptials, the state takes cognizance only of the act of its official. Every death is to be registered at latest on the day following the death.

Simple as are the main features of the law, they will effect a very great change in the social and religious life of Germany.

Marriages between members of different religious confessions, and of Jews with Christians, will henceforward be attended with no legal obstacles, nor made to depend on the caprices of the clergy.

* * * * *

Thus there is a sort of stamp-tax on newspapers, which the liberal party has long desired to repeal; this repeal may perhaps now be effected.

The house does not divide itself into two parties. The members separate themselves into eight fractions, as they are called, with a ninth fraction to include those that attach themselves to no one of them all. There are the national liberals, with 170 members; the ultramontanes and their adherents, with 86; the party of progress, or more radical-liberal

party, with 72; the free conservatives, who are essentially a liberal party, with 33; the new conservatives, with 24; the Poles, with 17; the liberal center, with 5; the old conservative fraction is reduced to 4. There are fifteen who attach themselves to no fraction, and to this class belong among others the ministers and the president of the diet. Besides all these there are six vacancies. Thus there are but 86 who can be relied upon for opposition to the national liberals, and where these 86 vote for a liberal measure the vote of the house approaches unanimity. The party of the old nobility, sometimes called the feudal party, and sometimes the party of the country squires, has, as you see, almost entirely disappeared. Our Congress does not more completely represent the people as it is than the Prussian Diet represents the people of Prussia. Only here there is an artificially constituted upper house, which is not so much in harmony with the country.

In Prussia the system of schools is national. The school includes the children of all parents. In Bavaria, where the majority of the population is Catholic, under a Catholic royal family, the Roman bishops made a representation against the establishment of schools composed of children of all confessions; but the government has decided against their demand, a new advantage gained for the principle of the Prussian system.

Switzerland shows no sign of receding from its comprehensive measures against the ultramontane usurpations; and the spirit and courage of these republicans have something of the same effect on the population of Germany that was exercised by their forefathers in the time of the Reformation.

I remain, &c.,

GEO. BANCROFT.

No. 252.

Mr. Bancroft to Mr. Fish.

[Extract.]

No. 553.]

AMERICAN LEGATION,

Berlin, December 22, 1873. (Received January 12, 1874.)

SIR: The President's message, in full, reached Berlin on Friday last. That part of it which related to foreign affairs has met with the most perfect and universal approbation that I have ever known accorded to a public document. The conduct of the United States toward Spain and Cuba is acknowledged to be marked by strict respect for public law, by moderation, by wise forbearance, by dignity and firmness. There is division of opinion on the subject in public or in private circles.

* * * * *

The finances of the United States are here a subject of the intensest interest, owing to the very large amounts which Germans have invested in our national and other securities. The use of paper-money in the United States has led to many purely speculative undertakings, which have sought a market for their securities in this country. Between fifty and sixty separate securities—I think the exact number is fifty-eight—which sought and found a market here have failed to pay their interest as it became due. This has had an unhappy effect upon the public financial opinion. Four years ago this public believed the United States were about to return without delay to a specie currency. As a conse-

quence, public confidence in our stocks was constantly on the increase. When such marvellously large payments of our debt were made, it was taken for granted that those payments would be accompanied by a return of the Government, through all its obligations, to specie payments, according to the pledge of the first act of the Forty-first Congress. Nations are here divided into those which have a forced paper circulation and those which have a specie basis, and the difference in the prices of the stocks of the two is amazingly great. Our 6 per cent. stocks were rising, and there was every reason to hope that the price would soon be far above par.

The remoteness of the United States had come to be thought lightly of, and there was even a rising belief that there was a peculiar safety attending their stock resulting from the very fact that they stood apart and beyond the reach of convulsions in Europe. There still remains unshaken confidence in their determination and in their ability to pay their bonded debt, but the seemingly indefinite postponement of the epoch when they intend to remove the use of force in keeping their notes in circulation seriously affects financial opinion. This change manifests itself in various ways. Where purchases are made of stocks, those falling due first are most sought after by those who have safety in view, and there is less disposition to engage in any new loans which the United States might be disposed to invite.

You will not be surprised, therefore, when I say that the judgment of the President "that we can never have permanent prosperity until a specie basis is reached," is responded to here with absolute unanimity, coupled further with the idea, which is, indeed, involved in the President's words, that we never can attain the credit which we have a right to hope for in the financial market of the world until that specie basis is reached. The next point in our finances on which public opinion in Germany is perfectly unanimous is, in the language of the report of the Secretary of the Treasury which accompanies the President's message, that "a constant increase of coin in the Treasury would, ere long, lead to the desired result." There is not one single well-wisher to the United States in these parts that does not cordially welcome and approve that suggestion of the Secretary of the Treasury, and it is the *absolutely unanimous* opinion of all financial men. I hear it in all circles, from men of all political parties, but most earnestly expressed by those who are our truest friends. Severest economy and an accumulation of gold in the Treasury can alone bring us back to specie payments; and they can do it, and with less difficulty and less delay than are anticipated. As the country is constantly increasing in business, it is the further universal belief here that the earlier the country returns to specie payments the less will the debtor class suffer.

Thus far I have given you a candid and exact statement of what is the universal financial opinion in this region. There is another suggestion of the Secretary of the Treasury, that "there should be a gradual accumulation of gold in the banks," which meets with approbation wherever it has engaged attention, but it is not every one who has turned his attention to that branch of the subject. But all who have given attention to it are of the opinion expressed by the Secretary on that point, and not as a temporary but as a permanent measure.

I remain, &c.,

GEO. BANCROFT.

No. 253.

Mr. Bancroft to Mr. Fish.

No. 558.]

AMERICAN LEGATION,

Berlin, January 9, 1874. (Received January 26.)

SIR: In my No. 5 to Mr. Seward of September 12, 1867, and No. 519 to yourself, September 15, 1873, I have carefully stated the condition of the negotiation between Denmark and Germany on their boundary in Jutland. Both those dispatches were written with the very best information, and you will not be misled if you give to them your entire confidence. There is no reserve here on the part of the government in speaking with me on the subject. The assurances made to me are—

Nothing has passed between the two governments on the subject of the North Schleswig boundary for several years. We were glad that the Crown Prince on his return from Sweden was well received by the royal family in Denmark. We desire in return to take every opportunity to manifest our respect and regard for that royal family. We shall do everything to cultivate with them the most friendly relations, having common interests. The produce of Jutland seeks its market in Hamburg, and its business relations are with Germany. A better disposition is gradually manifesting itself. It would have been well if, in 1866, immediately after the peace, the question of boundary had been settled. But the Danes demanded too much. The military officers say that Alsen must on no account be given up, for strategical reasons. The Emperor cannot bear the idea of parting with a place which was purchased so dearly. Nothing has since been done, nothing is now doing, on the boundary question.

This information you will receive as perfectly trustworthy from an unquestionable and authoritative source.

As to Saint Thomas, Germany does not want it, would not accept it as a gift; has no hankering after that or any other West India colony; from principle avoids them; wishes at most a coaling station in Asiatic seas, and that only in case it can be enjoyed in security without being made a military post. This statement I have had often from every member of the government that could by any possibility have charge of any negotiation made for the acquisition of territory. They have said it to me over and over again. This much in answer to a telegram received night before last through General Schenck.

I remain, &c.,

GEO. BANCROFT.

No. 254.

Mr. Bancroft to Mr. Fish.

No. 560.]

AMERICAN LEGATION,

Berlin, January 12, 1874. (Received January 30.)

SIR: On the 6th instant I received the following telegram in cipher from our minister at London:

I have just received the following which I am instructed to transmit to you and Kramer at Copenhagen. A report reaches here that Germany is in treaty with Denmark for the acquisition of her West India Islands, proposing to fulfill her existing treaty and to cede North Schleswig. Inquire discreetly and ascertain the truth of the report. Transfer of the possession of those islands to another European power could not be regarded with favor by this Government.

I had just time to send you, by the Bremen steamer of Saturday, an answer on the subject, and to-day I can only affirm what I have written on former occasions.

It is on the highest authority that I assure you that the boundary negotiations between Denmark and Germany have not been renewed.

Further, in time past I am very certain that the idea has never been entertained on either the side of Denmark or of Germany to transfer Saint Thomas to the latter power. As to the present I cannot find the slightest reason to believe that any such negotiation is on foot or even in contemplation.

The decisions in the Alabama case respecting the extent to which a neutral power may furnish coals to a war-ship of a belligerent have naturally brought home to the German navy department a sense of the feebleness of their position in foreign seas in the event of a war, and so may have given rise to the wish for the possession of coaling stations, especially in the eastern Asiatic seas. But it does not change their general policy not to hold in foreign seas posts that would but be new points for attack for a fleet in time of war.

I remain, &c.,

GEO. BANCROFT.

No. 255.

Mr. Fish to Mr. Bancroft.

No. 648.]

DEPARTMENT OF STATE,
Washington, February 11, 1874.

SIR: Referring to your No. 562, of the 16th ultimo, relating to the final denial by the proper authorities of reports concerning negotiations between Germany and Denmark respecting the cession of the Danish West Indies, I have to request you to be watchful in case any negotiation of that character should occur.

I am, &c.,

HAMILTON FISH.

No. 256.

Mr. Fish to Mr. Bancroft.

No. 650.]

DEPARTMENT OF STATE,
Washington, February 18, 1874.

SIR: I learn from a source entitled to respect that a statement has been recently published by the Ulmer Schrellpost, and other German newspapers, to the effect that one Rohrer, who nine years ago had been convicted of a triple murder in the kingdom of Würtemberg, was now offered his discharge upon the condition that he should emigrate to the United States.

You will please make inquiries in the proper quarter to ascertain the truth of this report, and if it should be verified on good authority you will represent the matter to the proper authorities, and, on the part of the United States, protest against the granting of pardons on these or similar conditions.

I am, &c.,

HAMILTON FISH.

No. 257.

Mr. Fish to Mr. Bancroft.

No. 655.]

DEPARTMENT OF STATE,
Washington, March 4, 1874.

SIR: I have laid before the President your dispatch No. 566, of the date of the 2d of February, in which you tender your resignation of the office of envoy extraordinary and minister plenipotentiary of the United States to Germany, to take effect on or about the 1st day of July next.

In accepting the resignation which is to terminate a mission of more than ordinary duration, which has been marked by many most important events, and has been characterized throughout by eminent ability, intelligence, and patriotic devotion to the interests of your country, the President bears in mind the previous services rendered by you, both in official capacities of high trust, and in the distinguished paths of literature and of history which you have adorned, and feels that you are entitled to the repose which you seek, and trusts that you will experience the grateful appreciations of your fellow-citizens for the many years during which he hopes that your life may be spared.

He fixes definitely the last day of June next (the close of the fiscal year) as that with which your mission will cease.

In conclusion let me add the expression of my own high appreciation of your services and of the great and uninterrupted pleasure which I have experienced in the official relations which, for the past five years, have existed between us.

I am, &c.,

HAMILTON FISH.

No. 258.

Mr. Bancroft to Mr. Fish.

No. 573.]

AMERICAN LEGATION,
Berlin, March 9, 1874. (Received March 27.)

SIR: The council of the empire has under consideration the amount of governmental bills which they will allow to be put in circulation, and they have limited it at one thaler, or seventy-two cents, per head of the population of the German Empire, viz, 40,000,000 thalers, or less than \$30,000,000. This sum is to be issued not by the government of Germany, but is to be distributed among the several German states.

This decision of the council must come before the Diet, and if it there should be modified I will not fail to notify you of it.

The Diet has had under consideration the amount of pay they hold it right for them to receive, and they have fixed the sum of five thalers for each member for every day of his attendance.

I remain, &c.,

GEO. BANCROFT.

No. 259.

Mr. Bancroft to Mr. Fish.

No. 577.]

AMERICAN LEGATION,
Berlin, March 23, 1874. (Received April 11.)

SIR: In reply to your instruction No. 650, received on the 8th of March, I have the honor to state that I at once addressed a note of in-

quiry to the acting minister of foreign affairs of Würtemberg as to the truth of the statement that a criminal named Rohrer had been offered a pardon upon condition of emigration to America.

I send you to-day a translation of the reply of the acting minister, Count von Uxkull, which seems to convey an explicit denial not only as to the case reported, but in general as to any practice of granting such pardons in Würtemberg.

I shall therefore, unless otherwise instructed, not pursue the matter further.

I remain, &c.,

GEO. BANCROFT.

[Inclosure.—Translation.]

Mr. Von Uxkull to Mr. Bancroft.

ROYAL WÜRTEMBERG MINISTRY OF FOREIGN AFFAIRS,
Stuttgart, March 17, 1874.

His excellency the envoy extraordinary and minister plenipotentiary, Mr. Bancroft, has been pleased, in his esteemed note of the 9th of this month, to express to the undersigned the wish to receive more exact information respecting a statement contained in the Ulmer Schnellpost, that a criminal by the name of Rohrer, condemned for triple murder, had received a pardon upon condition of emigration to America.

The undersigned has not failed to request of the royal ministry of justice information on the subject, and has the honor, as the result of his inquiry, to communicate to his excellency that neither to a criminal by the name of Rohrer, nor to any other criminal condemned for murder, has a pardon under condition of emigration to America been either offered or granted; and, moreover, that pardons on this condition *are not granted*.

The undersigned has the honor respectfully to add that possibly the statement in question may have confounded the case of Johannes Roser, of Laupheim, condemned to imprisonment for eighteen years, to whom, after serving out the half of this term, in consideration of his exemplary conduct in the prison, and upon occasion of the birthday of His Majesty, the remainder of his sentence was by royal decree of the 4th of this month remitted upon condition of *permanent absence from the German Empire*.

The undersigned takes with pleasure this occasion to renew the assurance of his most distinguished consideration.

For the minister of foreign affairs.

The Counselor of State,
VON UXKULL.

No. 260.

Mr. Bancroft to Mr. Fish.

[Extract.]

No. 578.]

AMERICAN LEGATION,

Berlin, March 30, 1874. (Received April 18.)

SIR: The Imperial Diet has adjourned, to meet again on the first Thursday after Easter.

The bill for establishing compulsory civil marriage for all the German Empire passed the Diet by a considerable majority.

The measures enforcing the authority of the state over the pretensions of a foreign potentate to higher allegiance is also made a matter of legislation for the general government. I have often reminded the Department of the fact that in several of the separate German states the old nobility has power enough to stop the progress of liberal legislation. It is, therefore, natural to choose to bring liberal measures before the German Diet, where the old nobility has no prerogatives whatever.

A desire has been manifested to make some change in the form of proceeding against bishops and archbishops who set themselves above the jurisdiction of the state.

Attaching and selling their property, shutting them up in prison, have too much the appearance of persecution; it is proposed to imitate the example set by Switzerland, and instead of imprisonment, to forbid any recusant prelate to reside in his diocese.

There is every reason to believe that the measure will be adopted. Even Catholic Bavaria accepts the laws, which, however, in the present state of Bavarian legislation, will never be applied to a Bavarian prelate.

But the great measure of the session is the bill for the organization of the imperial army.

The government desires larger appropriations for the army, an increase of its numbers, and a character of permanence to its organization.

The Diet desires modifications on all these points; but every one of those with whom I have spoken has assured me that the bill will pass with no other amendments than such as the government could readily accept. Yet anxiety prevails, especially in the mind of the Emperor, and it will prevail until the question is settled.

* * * * *

The Emperor, I am glad to say, is very much himself again. He received a multitude of visits on his birthday, and in the evening staid with his guests till long after midnight, going around among them all, as of old, and having a cheerful word for every one.

I remain, &c.,

GEO. BANCROFT.

No. 261.

Mr. Bancroft to Mr. Fish.

No. 583.]

AMERICAN LEGATION

Berlin, April 13, 1874. (Received May 1.)

SIR: The all-important question which has agitated the mind of the German people for the last two months has been the manner in which the standing army of the empire should be established. The government, in its anxiety on the score of its foreign relations, desired to see it voted once for all, without limitation of time, and therefore independent of the action of future legislatures. On the other hand, the number of the army was considered as a question to be discussed annually on occasion of the grant of supplies, as in England, France, and Italy. During the recess of the Diet for the Easter holidays the threatened collision was very thoroughly discussed with the people, and everywhere deprecated. A strong sentiment of gratitude to the Emperor for his resistance to ultramontane influences was manifested, and is evidently increasing in depth and vigor. The constant menace on the part of France, and the uncertainty of affairs in the Orient, had their influence. A very strong wish, therefore, prevailed to give to the imperial government sincere, hearty, and efficient support. On the other hand, to vote an army of 400,000 men for an indefinite period seemed to the people a dangerous surrender of the first principles of constitutional government.

As a consequence, the national liberal party, acting with perfect

unanimity, have offered to vote the numbers of the regular army thought necessary by the government for a period of seven years.

* * * * *

The government measure, with this amendment, is now sure of being adopted by a considerable majority. The Diet will, therefore, have but a very short session.

The ultramontanes may bring on acrimonious debates; they can neither defeat nor alter the measures which they oppose.

I am, &c.,

GEO. BANCROFT.

No. 262.

Mr. Fish to Mr. Bancroft.

No. 666.]

DEPARTMENT OF STATE,
Washington, April 21, 1874.

SIR: Your dispatch of the 28th of March, marked "*Separate*," in relation to the presentation by you at the courts of Bavaria, Wurtemberg, Baden, and Hesse of letters of recall on the occasion of your retirement from the post at Berlin, has been received, and the subject has been carefully considered.

On examination of the precedent established in the case of Mr. Wheaton, who while minister at Berlin was empowered to conclude treaties with other German states, it is found that it was not deemed expedient at that time to authorize Mr. Wheaton to present special letters of recall. The Department regards the decision then made as correct, and adheres to it in the present case.

Letters of recall to the Emperor of Germany are inclosed, and in presenting them you will express to the Emperor the satisfaction with which the President entertains the conviction that your mission has tended to cement the cordial relations of amity and good feeling which he desires to maintain and preserve between two powers which have become kindred in every sense of the word.

I am, &c.,

HAMILTON FISH.

No. 263.

Mr. Bancroft to Mr. Fish.

No. 586.]

AMERICAN LEGATION,

Berlin, April 27, 1874. (Received May 13.)

SIR: The Emperor in person prorogued the Imperial Diet yesterday. Four of its measures are of high importance. The army bill was passed finally by a majority of more than ninety. The number of the army was fixed for a period of seven years. The Emperor, in his speech on closing the Diet, could not withhold an expression of his regret that it had not been voted without limit. All agree that Germany must show that she is strong, if she will maintain herself in independence and peace.

Several of the separate states had issued a disproportionate amount

of current notes. They are all now subjected to one rule. The circulating notes of them all, collectively, are not to exceed 40,000,000 of thalers, or 28,800,000 of our dollars. But time is allowed to those states whose issues are in excess of the average to reduce their emissions by persistent, gradual reductions. The German paper notes are therefore to be a little less than 72 cents per head of the population of the empire. The late proposal for American greenbacks was an average of about fourteen dollars per head, or nearly twenty times the amount which is thought safe in Germany; and even the amount allowed in Germany is a concession to what was found existing rather than an original and independent measure. A very considerable proportion of the house and of the country are opposed to this sort of measure altogether; and on behalf of the government an excuse has been put forward that, if it tolerates the circulation of forty millions of paper money, it has set apart in its vaults forty millions in gold not to be touched for the annual expenses in time of peace.

A third important measure was the law regulating the press, in which all the changes are for the better. Hitherto, in Prussia, the police had power to suppress an issue of a newspaper, and the proprietors had no redress but by an appeal to the tribunal, which could really furnish no reasonable and sufficient relief. This power is now limited to cases of high treason. A sort of stamp-tax has been remitted, which was so heavy that on the leading newspaper in Cologne it amounted to more than 50,000 thalers a year.

The fourth law relates to ecclesiastics who set themselves up above the laws. They may now be sent out of the country, but with a proviso giving power to the courts to protect them against capricious acts of the magistrates. The law was carried by almost absolute unanimity, except the ultramontanes and the Poles. The Department will at one glance see the importance of the measure. There are in Prussia twelve Catholic bishoprics. One of these bishops has already been deposed. Should he continue to exercise his functions in spite of his deposition by the temporal authority, he will be immediately sent out of the country. The other eleven must respect the laws, or they will be dealt with in the like manner. To leave the Catholic population of the country without bishops opens the way for many chances of change; and the Catholic hierarchy must die out, or, as has happened in Russia, exercise its functions in subordination to the power of the state.

There is no political question on which the great majority of Germany is so determined as on this. The new law was borrowed from the example of Switzerland. How widely the movement is extending in Europe is seen by what is passing in England, where choice has been made of a ministry disinclined to further concessions to the demands of the Catholic hierarchy, and where the archbishops of the Anglican church are proposing measures to drive all Romanizing tendencies out of the forms of public worship in the establishment. Here in Germany, where the question takes the form of a conflict between the authority of the state at home, within its own precincts, and the influence of an alien ecclesiastical power, it is certain that the party of the state is consolidating its strength; and I see nothing either in the history of the country or in the present state of public opinion, or the development of public legislation, which can raise a doubt as to the persistency of the German government in the course upon which it has entered.

I remain, &c.,

GEORGE BANCROFT.

No. 264.

Mr. Bancroft to Mr. Fish.

No. 599.]

AMERICAN LEGATION,
Berlin, June 26, 1874. (Received July 17.)

SIR: I have the honor to inclose to you herewith the translation of a note received to-day from the secretary of state for foreign affairs, dated June 24, calling attention to an order issued by the district court of the United States at New York, directing the sworn testimony of German citizens at Aix-la-Chapelle and other places in Germany to be taken by the United States consuls at those posts, and objecting to the same as attributing to said consuls functions not warranted by the provisions of Article IX of the American-German consular convention.

I remain, &c.,

GEO. BANCROFT.

[Inclosure.—Translation.]

*Mr. Von Bülow to Mr. Bancroft.*BERLIN, *June 24, 1874.*

According to intelligence which has reached the undersigned, the district court of the United States for New York has, in a suit brought by the officers of the custom-house at New York against the branch there established of the firm of S. U. Wolff & Co., of Cassel, issued an order, upon motion of the United States district attorney, directing that the American consuls at Aix-la-Chapelle, Frankfort, Berlin, and Leipzig, or their authorized agents, with assistance of United States commissioners to be specially sent to Europe for that purpose, shall take the sworn testimony of German subjects in the said cities and other places within the German Empire.

The undersigned believes that no elaborate representation is requisite to make it clear that the functions attributed to the consular officers of the United States in the German Empire by this order of the court cannot be derived from the provisions of Article IX of the German-American consular convention.

The undersigned, satisfied that his ardent wish that every cause for difference of opinion between two so friendly governments may be avoided will be in the fullest degree shared by the envoy extraordinary and minister plenipotentiary, Mr. Bancroft, believes that he may restrict himself to the present statement, and seizes with pleasure this occasion to renew to Mr. George Bancroft the expression of his most distinguished consideration.

VON BÜLOW.

No. 265.

Mr. Bancroft to Mr. Fish.

No. 600.]

AMERICAN LEGATION,
Berlin, June 29, 1874. (Received July 23.)

SIR: The ministry of the interior is becoming every day more strict in searching out those who evade their military duty in Germany by passing time enough in America to become nominally citizens of the United States, with the intent to use that right of citizenship only as a plea to escape military duty in the country of their birth and domicile. When the treaties were negotiated with South Germany, Bavaria insisted on an article that its citizens, if they became citizens of the United States, though they may visit Bavaria on business, cannot establish themselves permanently there, until the years of liability to military duty shall have come to an end. This provision I recommended at the time to our Government for adoption, and it received the approval of the President and Senate of that day. The result has been excellent; the treaty has been carried out in Bavaria without the slightest difficulty or

complaint on either side during the years that have passed since its ratification.

The Prussian government is now inclined to gain the same security for itself, against fraudulent naturalization, by applying the fourth article of the naturalization treaty of North Germany to cases of that kind.

To a young man from the Rhenish Provinces who applied to me for protection, with a frank avowal that his only object in retaining his American citizenship was to escape military duty here, but for which he should have returned to his allegiance to Prussia, I replied that our Government could not allow its citizenship to be thus fraudulently used; and I limited my offer of protection to procuring for him the free right of returning to the United States.

In another case from Alsace there seemed every appearance that our citizenship had been gained with no other view than to avoid duties of citizenship in Europe, and I therefore in like manner limited my offer of interference.

A third case has come up, where certainly the appearances implied that our citizen-papers were abused for the simple purpose of escaping military duty here. But this time the government threatened to seize the young man and put him into the army. To this I have demurred. It seems to me that we can never consent to put such a construction on the fourth article as this procedure would imply. I have had repeated conversations with Mr. President Delbrück, and with Mr. Von Bülow, the secretary of state, and have taken the ground that the article of the treaty cannot be so interpreted. The last half of the fourth article is permissive, not mandatory. The words are: "The intent not to return *may* be held to exist when the person naturalized in the one country resides more than two years in the other country." The United States secure to themselves by the article the right of avoiding complications with the German government in cases where it is plain that the naturalized citizen has no just claim to its interference; and in like manner, the German government has an acknowledgment of its right to look into the circumstances of the case where every appearance implies that the naturalization is fraudulent. I have therefore insisted that the naturalized American, who has the appearance of having obtained naturalization solely to escape military service, should have a right to establish his sincerity by electing to take up his residence in the United States.

The instance of Mr. Mentheim Cohn, respecting whom I annex a translation of a letter from Mr. Von Bülow, is the only one in which the claim has been put forward of a right to summon at once to military duty a person who gives every appearance of having been insincere in his naturalization. Both the minister for foreign affairs and Mr. Delbrück appeared to me to accord with me. My interpretation is warranted by the constant practice since the treaty was formed, and by the interpretation of the fourth article in the protocols of every one of the four southern states. I may say, in the very case of Mr. Cohn, it has received the approbation of the government. I gave him a passport for the United States, and, as far as I know, he has not been further interfered with.

In this manner I hope that the seeming discrepancy of opinion is reconciled, and that my successor, on entering on the duties of his office, will find no question left for discussion between the legation and the German government.

I remain, &c.,

GEO. BANCROFT.

[Inclosure.—Translation.]

Mr. von Bülow to Mr. Bancroft.

BERLIN, May 29, 1874.

In pursuance of the note of the envoy extraordinary and minister plenipotentiary of the United States of America, Mr. Bancroft, under date of the 28th ultimo, the undersigned hastened to take the necessary steps to cause an investigation to be made into the proceedings taken against Mendel Cohn, with regard to his call into military service in Prussia.

The undersigned has now the honor most respectfully to inform the minister that, from the preliminary result of the examination, so far as yet carried, the person in question was, it appears, born at Tchwente, in the district of Flatow, and emigrated to America about eight years ago, but returned to Germany in January, 1872, married at Flatow, and settled there.

It thus seems that article 4 of the treaty of February 22, 1868, applies to the case, and that there can be no doubt of the competency of the Prussian authorities to summon the said Cohn to military service, without regarding his naturalization as an American citizen.

While the undersigned reserves a definite reply in the matter, until the receipt of the full report of the provincial authorities, he was unwilling to omit to bring these facts at once to the knowledge of Mr. Bancroft, and avail himself at the same time of this occasion to renew the assurance of his most distinguished consideration.

VON BÜLOW.

No. 266.

Mr. Bancroft to Mr. Fish.

No. 602.]

AMERICAN LEGATION,

Berlin, June 30, 1874. (Received July 23.)

SIR: My last act of public duty before leaving Berlin shall be to ask you to express to the President my grateful sense of the honor which he has done me in the language which he used in granting me my discharge from the public service. I can receive it with a good conscience, for I have never, so far as I know, missed an opportunity of carrying out the instructions of the Department, and promoting to the best of my ability the honor and the welfare of the country. You in Washington can hardly conceive the degree of comfort secured to our German fellow-citizens by the peaceful security which they obtain for their visits in Germany by the treaty of naturalization. From 10,000 to 15,000 of them come yearly to their mother country now, without suffering the least anxiety, where before many of them, in order to see their friends, were obliged to remain on the other side of the frontier or come into Germany stealthily, running the risk of arrest every hour.

During the war between Germany and France, great efforts were made to turn the current of opinion and the feeling of the German government against the United States on account of sales of arms to one of the belligerents. It was to me a very great source of satisfaction that complaints were happily prevented. Our happy co-operation in the San Juan arbitration led to the most pleasing and satisfactory results. Take it for all in all, my mission to Berlin has rounded off in the pleasantest manner the years of my life that have been devoted to the public service, and I may say that my unsolicited appointment by Mr. Johnson and my new commission from Mr. Grant have made to me the years of my great old age the flower of my life.

Yours, &c.,

GEO. BANCROFT.

No. 267.

Mr. Nicholas Fish to Mr. Fish.

No. 4.]

UNITED STATES LEGATION,
Berlin, July 15, 1874. (Received July 30.)

SIR: I have presumed that I was carrying out the wishes of the President in writing a congratulatory letter to Prince Bismarck on his narrow escape from the hands of the assassin at Kissengen.

It does not yet appear to be clearly proved that there is any connection between the ultramontane party and the deed, but there are not wanting certain reported incidents which may, on closer investigation, confirm the belief that there is such a connection.

The wound itself does not appear to be of any importance, but the general condition of the prince's health is such that the incident may prove more serious to his system than is now anticipated. I telegraphed you in cipher as follows: "Congratulated Bismarck in name of President."

I hope that the Department will approve my action in sending the note of which a copy is herewith annexed.

I also inclose an article from the "*Spenersche Zeitung*," which quotes the opinions of the press of various parties.

I remain, &c.,

NICHOLAS FISH.

[Inclosure 1 in No. 4.]

*Mr. Nicholas Fish to Prince Bismarck.*UNITED STATES LEGATION,
Berlin, July 14, 1874.

The undersigned, chargé d'affaires of the United States of America, has the honor, in the name of the President of the United States, to express to his serene highness Prince Bismarck the heartfelt gratitude and joy with which all ranks of the people of the United States have learned of his providential escape from the attack of an assassin, and to assure his serene highness of the universal abhorrence of the criminal action which so nearly deprived the German Empire of its chancellor, the United States of one of its warm friends, and the world of one of its greatest statesmen.

The undersigned begs leave to avail himself of this opportunity to add the expression of his own congratulations upon this providential escape, and to renew to his serene highness the assurance of his highest consideration.

NICHOLAS FISH.

[Inclosure 2 in No. 4.]

[From the *Spenersche Zeitung*, Berlin, July 15, 1874.—Translation.]

THE ATTEMPTED ASSASSINATION OF THE CHANCELLOR OF THE EMPIRE.

Detailed accounts have already been published of the attempt, which was so happily frustrated, to assassinate Prince Bismarck. The *National Zeitung* publishes the following letter, dated Kissengen, July 13, 4 p. m.:

In order to give an idea of the localities, I must premise by saying that Prince Bismarck occupies rooms in the house of Dr. Diruff, which is situated on the other side of the Saale, on the right-hand side of the bridge. Close by the bridge is a garden in which refreshments are served, kept by one Braun, and here, at the hour of noon, a large number of people usually assemble for dinner; in the immediate vicinity of this garden is a large house, the rooms of which are rented to visitors; this house also belongs to Braun. Next to this is Dr. Diruff's house, the first story of which is occupied by Prince Bismarck. On the other side of this latter building is a hotel, (*Holzmann's*), which is also visited by many guests at noon-time. The place where the attempt at assassination took place therefore usually presents a lively appear-

ance at noon, and, as the chancellor is in the habit of going to the saline (salt-bath) in his carriage at this time, the crowd of people desiring to see the renowned and popular man is then unusually large. A large crowd was thus collected to-day when Prince Bismarck entered the royal carriage, at half past 1 o'clock, on the south side of Dr. Diruff's garden, while an attendant for the bath took his seat by the side of the coachman on the box. When the carriage entered the main-road a man, *wearing a coat of the kind worn by Catholic priests, stepped before the carriage*, (as I am informed by Schmidt, the royal Bavarian coachman, who was driving,) so that the coachman was obliged to slacken his pace and tell the man to get out of the way; the latter, however, did not deign to comply until he had been several times ordered to do so. The carriage, meanwhile, had advanced as far as Braun's refreshment-garden, and at that moment a pistol was fired at the prince by some one standing very near to him. The coachman, almost petrified with fright, still had the presence of mind to look around. Seeing that the prince was apparently unhurt, he was about to drive on, and turned about toward his horses again, when he caught sight of the assassin, who, throwing his pistol away, was endeavoring to disappear among the crowd of people who had collected from the neighboring restaurants and houses. The coachman now dealt the would-be assassin a severe blow in the face with his whip, and, at the same time, a guest at one of the hotels (Mr. Lederer, an actor in the court theater at Darmstadt) seized him by the throat. The assassin struggled furiously to get away, (Lederer's hand is badly bitten,) but the crowd held him securely; he was seized by every part of his body; and so great was the indignation which prevailed that the people were almost ready to tear him to pieces. The prince, fortunately, was little hurt; a slight scratch on his right wrist was the only visible indication of the attempted assassination. Prince Bismarck stepped down among the crowd and endeavored to quiet them, saying that they must "give the man up to the authorities." When it appeared evident that the chancellor was not dangerously wounded, all crowded around him. Every one desired to express his sympathy, indescribable confusion prevailed, and some time passed before it became possible to clear a path for the prince, so as to enable him to reach his lodgings.

Meanwhile the assassin was rather dragged than led to the city prison by the crowd. He gave his name as Kullmann, and said that he was a journeyman-cooper from Magdeburg; in answer to further questions, he said that he had done the deed solely of his own accord. He is a young man, nineteen or twenty years of age, and of a very coarse appearance; he looked to me, however, like a crafty fellow and hardened villain, but by no means like a fanatic. In the first excitement every one was inclined to believe that he had been hired to commit the crime. How correct this opinion was, I will not undertake to determine; it is, however, certainly remarkable that the attempt was made so soon after the disappearance of the person wearing a priest's coat, to whom I have referred above.

Notwithstanding the mental excitement which was very naturally produced by the occurrence, Prince Bismarck was able to visit the court-house at 3 o'clock in the afternoon, wearing his arm in a sling. He desired to converse with his assailant. What was said during the interview, as well as the result of the preliminary examination, will not be made public just yet. When the assassin's person was searched, a piece of paper, it is said, was found in his possession, on which, in an elegant hand, were written the words, "In the house with the name of Dr. Diruff, jun., on the door-plate."

As I write this, an excited crowd surges in the street and in front of the prince's lodgings. The prince has several times been obliged to show himself to the people, who keep continually shouting and calling for him.

A telegram to the same paper, dated this morning, says: "It appears that Prince Bismarck was preserved by a kind of miracle. It was only because in saluting he had kept his hand raised that he was not hit in the head. The prince suffers severe pains in his hand, and finds it very difficult to write. His general condition, however, is very favorable."

A letter addressed to the Norddeutsche Allgemeine Zeitung says that just as the prince's carriage had passed the house, a short man, in the garb of a priest, stepped in front of the horses in such a way that it became necessary for the coachman to rein in his horses. It is elsewhere stated in the same paper that the house occupied by the prince stands on the right bank of the Saale, overlooking the valley, and is only separated from the bridge across the Saale by a house and garden. The carriage had scarcely reached the house which adjoins the bridge when, by order of the prince, the driver turned his horses in the opposite direction; the prince sprang out and entered his lodgings, while the coachman drove into the yard. The people were so taken by surprise, and the whole thing happened so in a moment, that it was not till then that any one started in pursuit of the assassin, while the priest was lost sight of in the chase, and thus escaped, leaving no trace behind him. (Has since been arrested.—EDITOR.) The assassin ran toward the bridge, and right into the arms of Mr. Lederer, brother of the well-known tenor. This gentleman, whose attention was attracted by the report of the pistol, was just coming out of the restaurant which adjoins the

bridge, and seized the fellow. Several gentlemen rushed to Lederer's assistance, and rescued him from the hands of the assassin. One of his thumbs had been badly bitten, and he himself almost strangled by the wretch. The latter was then conveyed, or rather dragged, by the people to prison. Another suspicious individual, who was about to leave by the 2 o'clock train, and who was heard cursing Prince Bismarck, was also arrested.

The priest, who had been walking back and forth since 11 o'clock in front of the prince's lodgings, in company with the assassin, and who, just before the shot was fired, sprang before the horses, is still at large. It is, however, absolutely certain that the person arrested is not the party who really planned the attack. It is to be hoped that the examination of the prisoner will throw light upon this subject. The ball slightly scratched the place mentioned in the telegram; that is, the part between the fleshy portion of the thumb and the palm of the hand. The prince appeared at the window several times, in answer to the shouts of the multitude. The wound was somewhat swollen, and bled, but did not prevent the free movement of the thumb.

We will add that the little village of Walchsee, of which the arrested priest Hantaler is a native, is situated in the extreme northwestern part of Tyrol, a few leagues to the northwest of the well-known fortress of Kufstein.

For our own part we hesitated to hold the ultramontane party responsible for the crime of the Kissengen assassin, so long as we had no convincing evidence of their guilt. The *Norddeutsche Allgemeine Zeitung* is not so considerate. It says:

"Those who planned the deed of whose execution the person arrested was only the half-purposeless instrument, can now boast that they have brought a disgrace upon the German name which is not eclipsed even by the brilliancy of our recent history.

"We cannot anticipate the sentence of the judge, and cannot know what has been planned in the Catholic societies and conventicles of which the criminal is a member, for the purpose of hastening the 'favorable moment.' This last occurrence, however, considered in connection with the facts which have already been proved, with the dark threatenings and the passionate expressions of the ultramontane press, and other things which have come to light, give good ground for the belief that the hands which armed Ravallac and Gerard, the assassins of Henry the Fourth and William of Orange, also loaded Kullmann's pistol."

The same paper hopes, in conclusion, that the nation, recognizing and casting out its unsound elements, will stand firm in the great policy of our time, rallying with enthusiasm around the emperor and his government, and says:

"This attempt at assassination was committed on the anniversary of the day of Ems. The day of Ems led Germany to unity and political greatness, and the day of Kissengen will furnish a new point of departure for freedom and intellectual greatness."

The *Germania* (Catholic) says: "All Germany, without distinction of party, will unanimously condemn, with the deepest indignation, the criminal who raises his hand to commit a deed of murder. The history of the world shows but too many murders and attempts at murder which had their origin in political animosity. The horrible nature of this crime is, however, in no wise mitigated thereby. And particularly may one feel indignant at such an undertaking when any one apparently a Christian, who even imagines that he is laboring for the faith and for the church, allows himself to be so blinded by passion or ambition as to disregard the teachings of his faith, and commit the greatest violation of the divine order of the world. We do not know how correct the reports may be in relation to Kullmann's membership of a Catholic society, or to his 'suspicious association with a Catholic priest,' or to the arrest of Rev. Mr. Kotteler, and we shall therefore await the result of the judicial investigation. It is not incredible that, in consequence of the many persecutions of our party and of our church, an amount of hatred, passion, and rage may be bred in the breasts of some individuals, which may at length burst forth in rebellion against all law, both human and divine; but it is incredible that a dispassionately thinking man should recklessly impute to a party an excess committed by one or by several individuals belonging to that party; for that, among fourteen millions of Catholics, there should be one madman or one infatuated lunatic will not, perhaps, appear so passing strange even to the chancellor of the empire himself. A portion of the press, however, will of course not hesitate for an instant to lay the blame due to one person upon the whole party, or even upon the church, which, in her teachings, declares such a crime to be one of the greatest. We already have some evidences of this."

The *Germania* then refers to the articles of the *Börsenzeitung* and of the *Berliner Tageblatt* as thus casting the blame upon the party and the church, and says, in conclusion:

"Fortunately, those papers still remember the attempt of Karl Blind, of May 7, 1866, and what they say in relation to that will be regarded by the thinking portion of their readers as nonsense. The *Tageblatt* even seems to think that the attempt at assassination which was made by the adopted son of the democrat Blind, is somewhat disturbing in the cursing of the ultramontane party; it therefore seeks to excuse Blind's attempt, so as to be enabled to paint Kullmann in still blacker colors. 'There

was a time,' it says, 'when it was possible to be mistaken as to his (Bismarck's) genius, his grand patriotic idea, and the lofty goal that he had in view. At that time a similar attempt was made. Now, however, the repetition of such an attempt at assassination must seem threefold, nay, tenfold atrocious.' We entertain the same feelings toward both Blind and Kullmann, and would merely remind the *Tageblatt* that, according to its way of measuring the guilt, Kullmann has decidedly the advantage, for Blind had hardly been so deeply, so systematically, and so cruelly wounded in his convictions and feelings as Kullmann, supposing the latter to have acted from fanaticism, and not from other motives. We would, moreover, remind those 'liberals' who may be pleased to chime in with the tone of the *Börsenzeitung*, that pretty much *all of the attempts at assassination that have been made of late years*, (we refer to those directed against Napoleon III, the Emperor Francis Joseph, the Prince Regent of Prussia, and against Bismarck in 1866,) are to be attributed to 'liberalism' or *national ideas*, and, therefore, to anything but Catholic motives. As regards the attempt made by Oscar Becker, it has been proved that he desired to become a martyr to those German ideas which 'liberalism' has encouraged, both before and after the crime, and which it has partially carried into effect."

The *Kreuzzeitung* is very sparing in the description of the impression made upon it by the attempt to assassinate Prince Bismarck. It is glad, however, that "this criminal attempt to take the life of the chancellor of the empire has also failed, and that the hand of the wretch, which, impelled by hatred and revenge, sought to do that which belongs to God alone, was not permitted to pollute the soil of Germany and to burden the conscience of the people of Germany by a political assassination." It says nothing more on the subject.

The *Post* reminds its readers of the difference between the state of things which prevailed in 1866 and that which prevails in 1874. The love and respect which Germany feels for the chancellor of the empire were not easily earned, it says. No; they were obtained step by step; it was only by degrees that the ice of misunderstanding was thawed which lay between Germany and Germany's most faithful son; the offense that was committed in those days of misunderstanding by a stripling whose mind was full of the erroneous ideas of German fanatics who had sought refuge on a foreign soil, could not now be committed again. The *Post* then refers to the causes of the crime, and although it does this but indirectly, holds the clerical agitation responsible for it. We now know exactly what are the consequences of this continued agitation. Such exciting of the popular passions should not be tolerated in a well-regulated state. *Quousque tandem?*

With regard to the view taken by the foreign press of the matter, we are as yet able to say nothing definite. Our readers have already seen the telegram which appeared in our last evening's number, and which announced the warm sympathy expressed by the London papers for Prince Bismarck, and spoke of the effect which those papers expect the crime to have upon party affairs in Germany.

No. 268.

Mr. Nicholas Fish to Mr. Fish.

No. 6.]

UNITED STATES LEGATION,
Berlin, July 20, 1874. (Received August 6.)

Sir: I have the honor to inclose a translation of the acknowledgment from the secretary of state of the note which I addressed to Prince Bismarck relative to his attempted assassination.

I am, &c.,

NICHOLAS FISH.

[Inclosure.—Translation.]

Mr. Von Bülow to Mr. Nicholas Fish.

FOREIGN OFFICE, *Berlin, July 19, 1874.*

In reply to the note of the 14th instant, of the American chargé d'affaires, Mr. Fish, addressed to the chancellor of the empire, his serene highness Prince Bismarck, the undersigned, acting under instructions, has the honor to bespeak the kind offices of

Mr. Fish in communicating to His Excellency the President of the United States the expression of the heart-felt gratitude of his serene highness for the sympathy shown him upon the occasion of his escape from deadly peril. Prince Bismarck desires at the same time to express his warmest thanks for the words of sympathy which the American chargé d'affaires has had the kindness to utter in his own name, as well as in the name of his countrymen. The undersigned embraces this opportunity to renew to the chargé d'affaires the assurance of his most distinguished consideration.

VON BÜLOW.

No. 269.

Mr. Nicholas Fish to Mr. Fish.

No. 9.]

UNITED STATES LEGATION,
Berlin, July 27, 1874. (Received August 13.)

SIR: Referring to Mr. Bancroft's dispatch No. 599, of the 26th of June, I have the honor to transmit herewith a note of Mr. Von Bülow upon the same subject, together with a copy of my reply.

The language of the note of Mr. Von Bülow is such as to indicate a very firm determination to prevent the performance of such acts by our consular officers.

If this intention should be carried out it may cause very serious embarrassments to our system of consular verification of invoices. Mr. Von Bülow does not state whether the objection extends to the taking of testimony of German subjects who appear and testify without opposition on their part. In the expectation of your reply to Mr. Bancroft's question I have not asked the views of this government on this point.

According to the consular regulations, in the execution of a commission to take testimony the consular officer acts simply as a citizen of the United States. The question thus arises as to how far he can be held liable in his official capacity for such action.

I hope I may receive the views of the Department at an early day, as the government here seems anxious to have the question determined.

In regard to the particular case that has led to the correspondence, I have written to each of the consular officers mentioned therein, except to the consul-general in Berlin, intimating to them the difficulties any further action on their part might create.

In the case of Consul-General Kreismann, I have communicated the same verbally.

I remain, &c.

NICHOLAS FISH.

[Inclosure 1 in No. 9.—Translation.]

Mr. von Bülow to Mr. N. Fish.

FOREIGN OFFICE, Berlin, July 25, 1874.

The undersigned has heretofore, under date of the 24th ultimo, had the honor to make known to Mr. George Bancroft that, according to reliable information, it was intended, in pursuance of a judicial order of the United States district court of New York, to take the testimony of a number of German citizens or their representatives, through the instrumentality of the American consuls at Aix-la-Chapelle, Frankfort-on-the-Main, Berlin, and Leipsic, assisted by commissioners sent to Europe for this purpose, in the matter of an action instituted by the customs authorities in New York against a branch house in that city of the firm of S. N. Wolff & Co., of Cassel. He at the same time expressed the hope that that communication would suffice to prevent the actual exercise of the functions claimed for consular officers in the German Em-

pire in the said judicial order, but not warranted by the provisions of Article IX of the German-American convention of December 11, 1871.

The undersigned has not been favored with an answer thereto. On the other hand, intelligence has just reached him that the vice-consul of the United States at Barmen, Mr. Ernst Greef, accompanied by Mr. Roger M. Sherman, assistant United States attorney, southern district of New York, had presented himself on the 16th instant at the bureau of the steel and copper-ware manufacturers, Brothers Lüttger, at Petersmühle, and on the 18th instant to Mr. F. C. Lurmann, at Iserlohn, in order to take the testimony of the representatives of these firms in reference to certain facts bearing upon said action. True, in both instances the information demanded was refused, but in both instances the vice-consul of the United States had notified the above-named gentlemen that citations before the American consulates at Aix-la-Chapelle and Frankfurt-on-the-Main, respectively, would be issued against them at an early day.

In one instance the matter had been carried so far that it was intimated that a refusal to give the desired information would entail upon the respective firm increased difficulty in the transaction of its American business.

To the undersigned it seems indubitable that in accordance with the said consular convention, American consular officers are only entitled throughout the German Empire to take the testimony of citizens of the United States within the bounds prescribed in Article IX, and that all official action exceeding the limitations contained therein appears to be a trespass irreconcilable with the lawful rights and duties of the German authorities.

Instructions will therefore be immediately issued to the competent tribunals to cause investigation to be made into the action of the above-mentioned American vice-consul at Barmen, as well as into the proposed official proceeding of the above-mentioned consulates, and to make report of the result of said investigation.

The undersigned, while he has the honor to bring the above to the notice of Mr. Fish, cannot of course claim to be in possession of an accurate knowledge of the facts of the case, established by both sides.

These complaints of German citizens are, however, probably not without foundation in fact, and in this case, the matter being as urgent as his desire is sincere and earnest to see every occasion for a difference of opinion avoided, he takes the liberty to request the chargé d'affaires on his part to consider what is proper to be done to provide against the consequences to the said consular officials necessarily following the transcending of their functions as limited by treaty and exequatur.

Respectfully awaiting an answer to this note, the undersigned gladly avails himself of this occasion to renew, &c., &c.

VON BÜLOW.

[Inclosure 2 in No. 9.]

Mr. Nicholas Fish to Mr. von Bülow.

UNITED STATES LEGATION,
Berlin, July 27, 1874.

The undersigned, chargé d'affaires of the United States of America, has the honor to acknowledge the receipt of the note of his excellency Mr. von Bülow, secretary of state for foreign affairs, of the 25th instant, and he finds from the archives of the legation that the note of his excellency of the 24th ultimo was referred by Mr. Bancroft to his Government.

There has not yet been time for a communication in return, and, as the undersigned is without any exact or official knowledge of the case, he has referred the note which he himself received in like manner.

In the mean time the undersigned, sharing as he does most fully the desire expressed by his excellency to see every occasion for a difference of opinion avoided, believes that the views of his Government, which he will have the honor hereafter to transmit, will be conceived in like spirit.

The undersigned feels persuaded that the actual facts in the case, when ascertained, will show that whatever may have been done in the premises by the consular officers of the United States has been done under an order of a court of law of the United States and for the sole object of subserving the cause of truth and justice.

The undersigned gladly avails himself, &c.

NICHOLAS FISH.

No. 270.

Mr. Cadwalader to Mr. Nicholas Fish.

No. 689.]

DEPARTMENT OF STATE,
Washington, August 1, 1874.

SIR: Your dispatch of the 15th ultimo, No. 4, inclosing, with extracts from the German press, a copy of your note of the 14th ultimo to Prince Bismarck, congratulating him upon his escape from assassination, has been received.

Your action in congratulating the prince, as communicated by telegraph, has already been approved in No. 684, from the Department.

I am, &c.,

JOHN L. CADWALADER,
Acting Secretary.

No. 271.

Mr. Fish to Mr. Nicholas Fish.

No. 697.]

DEPARTMENT OF STATE,
Washington, August 17, 1874.

SIR: I have to acknowledge your dispatch No. 3 of the date of the 11th of July last, transmitting the correspondence between Mr. Bancroft and the minister of foreign affairs in relation to the interpretation and application of the fourth article of the naturalization treaty of February 22, 1868, between the United States and the North German Union.

Mr. Bancroft's note of 28th June to Mr. von Bülow correctly sets forth the interpretation of that article of the treaty as understood by this Government, and it is with much satisfaction that the President learns that that interpretation is not controverted by the German government, which declares its intention to execute the treaty at all times with the greatest moderation and respect for the rights of individuals.

The point suggested by Mr. von Bülow that the treatment of each case must depend entirely upon the circumstances of the same, is in accord with the position which this Government holds. The value of American citizenship must not be trifled with; this high right must not be invaded by fraud or by false representations; and when honestly acquired, and faithfully maintained, must carry with it to its possessor all the privileges and the protection which a great government can give to its citizens.

The case of Mentheim Cohn seems to be disposed of without admitting the inference drawn by Mr. von Bülow. From his recital of the facts of the case, it cannot be denied that that inference is, at the least, plausible.

The legation will in the future continue carefully to watch the rights of all naturalized citizens of the United States who may visit or temporarily tarry in Germany, and will assert for them all the privileges and immunities to which they are entitled by treaty or by public law. At the same time it will be careful not to commit the Government of the United States in a demand for its protection in behalf of one who may be manifestly presenting a false or fraudulent claim of citizenship, or who may have already forfeited his right of citizenship in accordance with the letter and spirit of the treaty.

I am, &c.,

HAMILTON FISH.

No. 272.

Mr. Fish to Mr. Nicholas Fish.

No. 698.]

DEPARTMENT OF STATE,
Washington, August 18, 1874.

SIR: Referring to Mr. Bancroft's dispatch No. 599, inclosing a copy of a note addressed to him by Mr. von Bülow in reference to an order issued out of the district court for the southern district of New York, naming certain consuls of the United States to take testimony in an action therein pending in behalf of the Government, against the firm S. N. Wolff & Co., and to your dispatch No. 9, inclosing a second note from Mr. von Bülow on the same subject, I now inclose you a copy of a letter addressed to this Department by the Attorney-General, with a copy of a letter from Mr. Bliss, the United States district attorney at New York, in reference to the question, and a copy of the order complained of.

It appears to this Department that the German Government has labored under a serious misapprehension in the matter.

The minister of foreign affairs objects to the taking of the desired testimony by the consuls, under the commission in question, on the ground that it is an exercise of functions by consular officers in the German Empire not warranted by Article IX of the German-American convention of December 11, 1871.

Under our system of jurisprudence, where the testimony of persons beyond the limits of the United States is desired by either party to an action pending in the courts, the same is taken on commission. For this purpose application is made to the court in which the action is pending, and when granted, a person is agreed on by the parties, or named by the court, to take the evidence, and an order is entered in the court to that effect.

Questions are prepared by each party, which are propounded to the witnesses by the person so named, or an oral examination is sometimes provided for, at which both parties are represented by counsel.

The answers to the questions are taken, and the evidence thus taken is certified by the commission named, and returned to the court to be read at the trial.

No claim is made that a consul of the United States, as such, has, by treaty or by convention, the right to take such testimony. It is no part of his official duty, nor does he act as consul in so doing. He acts in the matter as a private individual, at the request of the parties or the appointment of the court. The Government in no case takes any part in these appointments, they are made by the courts in the independent discharge of their functions as a matter of practice, and with the sole view of the administration of justice and the ascertainment of the facts of the case at issue between the parties litigant. The person named may be a subject of the German Empire, an American citizen, or may belong to any other nationality. He is selected in each particular case as an individual, who, from character, residence, or other qualification, will fairly propound the questions and certify the answers. His services are purely ministerial and entirely voluntary. He has no power to compel the attendance of witnesses or to punish them for contempt. No authority is given except to put questions and certify answers, and no other is claimed for him. The same proceedings are taken and the same rule applies in every case, whoever the parties to the action may be. The fact that the Government is a party or has an interest in the action in no respect alters the rule. It is a proceeding in the interest

of justice, to arrive at the truth between disputed facts in an action pending in the court.

The testimony in any particular case may be necessary to save a private person, whether German or American, from penalties to which he would otherwise be liable. On the other hand, it may be required in the interest of good government here or elsewhere to punish attempted frauds upon the public revenue.

These are objects of common interest to all commercial powers, which the government of Germany from its well-known character will be the first to appreciate and to vindicate.

Upon an examination of the particular order in question, it will be seen that it provides for the taking of testimony for the benefit of either party, and from this fact and from the letter of the district attorney it will be found to be an order made for the benefit of both parties, and obtained by consent or upon their joint application.

So far as any objection may be made to the execution of this particular commission, therefore, by the branch house of the defendants in Germany, it appears that the order was made on the solicitation or consent of the house in New York. Any obstacle thrown in the way of the taking of this testimony by the German government amounts to a refusal to permit two parties to ascertain the truth to be used for their mutual benefit in a legal proceeding.

It is confidently believed that an explanation of the matter will be entirely satisfactory to the German government.

The United States has no desire to obtain for its consuls in Germany any authority or functions except such as rightly belong to them; and at the same time this Government will be extremely reluctant to admit that a person becoming a consul of the United States is thereby excluded from privileges which are allowed to unofficial persons, or becomes disqualified for the discharge of duties to his fellow-citizens which may be performed by any other reputable person, of whatever nationality, but which are likely to be asked of him by reason of his official position, making him more likely than others to be known to those needing such services.

You will fully explain this matter to the minister of foreign affairs, and it is confidently hoped and expected that on this full explanation all objection to the action of the consuls in question will be withdrawn, and that the German government will view it as an act of comity, and in aid of the proper administration of government and justice, to facilitate the ascertainment of the facts in the case now at issue between this Government and the Messrs. Wolff. A continued objection or obstruction to such ascertainment would be the cause of very serious regret to this Government.

You may, in your discretion, read and give a copy of this dispatch, to this point, to the minister of foreign affairs, for the purpose of explanation.

Under the circumstances set out in your No. 9, your action in intimating to the several consuls the difficulties which might arise from action on their part until the matter should be adjusted, was a wise precaution, and is approved.

Should the German government withdraw the objections now raised, you will so inform the several consuls, and inform this Department by telegraph. You will also instruct the consuls, in executing any such commission, to assume no authority as consuls, and to be careful in their action to give as little offense to the German government and to its subjects as possible.

I am, &c.,

HAMILTON FISH.

[Inclosure in No. 698.]

*Mr. Williams to Mr. Fish.*DEPARTMENT OF JUSTICE,
Washington, August 4, 1874.

SIR: Referring to your letter of the 20th ultimo, inclosing a dispatch from the minister of the United States at Berlin, and other papers, I now have the honor to inclose, for your information, a copy of a letter addressed to this Department, under date of the 27th ultimo, by the United States attorney for the southern district of New York, and a copy of the *dedimus potestatem* issued by the district court of the United States for that district in the case of the United States *vs.* S. N. Wolff *et al.*, of Neidheim, authorizing United States consuls and their representatives to take testimony in said case.

Very respectfully, your obedient servant,

GEO. H. WILLIAMS,
Attorney-General.

[Inclosure 1 to inclosure in No. 698.]

*Mr. Bliss to Mr. Williams.*OFFICE OF THE DISTRICT ATTORNEY OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF NEW YORK,
New York, July 27, 1874.

SIR: I beg to acknowledge the receipt of your favor of 21st, transmitting a copy of letter of the Secretary of State and a copy of a dispatch addressed by the minister of the United States at Berlin to the State Department, the several papers relating to an order to take testimony issued by the district court for this district.

In reply to your inquiry, I beg to say that the United States has a suit pending against the firm of Wolff & Co., to recover about \$75,000 penalties for alleged undervaluation in the importation of goods to this port. In that suit both parties desire to procure the testimony of persons residing in various places in Europe. It was therefore agreed between the respective attorneys that an order should be entered, allowing the testimony to be taken orally at places named. It has long been the practice in this district to designate as commissioners to take testimony in foreign parts the persons who, from time to time, happen to be the consuls of the United States at the places where the testimony is to be taken, and in this case the parties agreed that this course should be followed. The consuls are not, in such case, supposed to act as consuls, but to act as commissioners, agreed upon by the parties, having, of course, no power to compel the attendance of witnesses, unless the head authorities choose to grant it, which some countries do and others do not.

I inclose a copy of the order issued in this case. You will perceive that it is an *authority* to the persons named to take the testimony. Nothing is *required* of them, as seems to be supposed, and they can, of course, refuse to act. As they are paid for their services, they are, however, usually quite willing to act.

I may be permitted to add that, though the order is, in form, issued upon my motion, it was really issued by consent of parties.

Your obedient servant,

GEORGE BLISS,
*United States Attorney.*Hon. GEO. H. WILLIAMS,
Attorney-General.

[Inclosure 2 to inclosure in No. 698.]

ORDER OF THE COURT.

At a stated term of the United States district court for the southern district of New York, held at the United States court building in the city of New York, on the 13th day of April, 1874: Present, the honorable Samuel Blatchford, the district judge.

THE UNITED STATES }
 vs. }
S. N. WOLFF *et al.* }

On reading and filing affidavit of plaintiff's attorney and notice of motion, with proof of due service thereof on attorneys for the defendant, Alphonse de Riesthal,

who only has appeared herein, George Bliss, esq., appearing for the plaintiff, and W. J. A. Fuller, esq., for the defendant, Alphonse de Riesthal:

It is, on motion of George Bliss, esq., United States attorney, ordered that a *dedimus potestatem* be issued in this cause out of this court, directed to the United States consul and to such deputy or representative of said consul as may be authorized by him to act in his place and stead, at the following-named places, respectively, viz: To E. P. Beauchamp, United States consul at Aix-la-Chapelle, (Aachen,) Germany, and his deputy or representative; to W. P. Webster, United States consul at Frankfort-on-the-Main, and his deputy or representative; to H. Kreisman, United States consul at Berlin, Prussia, and his deputy or representative; to J. A. Stuart, United States consul at Leipzig, Germany, and his deputy or representative; to Daniel McM. Gregg, United States consul at Prague, Austria, and his deputy or representative; to S. H. M. Byers, United States consul at Zurich, Switzerland, and his deputy or representative; to examine the following-named persons under oath as witnesses herein, viz: A. Amberg and the person or persons composing the firm of A. Hirsch & Co., of Cassel, Germany; S. N. Wolff, of Neidheim, near Cassel, aforesaid; the person or persons composing the firm of Lüttger Brothers, of Petersmühle, near Solingen, Germany; Carl Aufermann, of Losenbach, near Liedenscheid, Germany; V. T. Pospichel, of Wiesenthal, Bohemia; and the person or persons composing the firm of Leopold Czech & Co., of Haida, Bohemia; the person or persons comprising the firm of E. Kreimer & Co., Berlin, Prussia; W. Wagner, jr., of Plattenberg, Switzerland, and T. L. Lurman, and J. W. Maes, of Iserlohn, Germany.

It is further ordered that the examination above provided for shall take place during the months of July and August, 1874, and at such times within said months as is hereinafter designated.

It is further ordered that either party to this action shall have liberty to examine not only the witnesses herein named, but any other witnesses that either party may desire to examine at the aforesaid places of Aix-la-Chapelle, Frankfort-on-the-Main, Berlin, Leipzig, Prague, or Zurich, before either of the persons herein authorized to take testimony; provided, however, that the names of said witnesses and their places of residence shall be given to the attorney of the opposite side in New York, before June 6, 1874, or such notice be given in Europe to the opposite counsel acting there for either party to this action, in either of the aforesaid places of Aix-la-Chapelle, Frankfort-on-the-Main, Berlin, Leipzig, Prague, or Zurich, where such other witnesses are to be examined, two days before such examination.

It is further ordered, that prior to June 6, 1874, the attorneys for the respective parties shall give notice in New York, each to the other, of the names and European address, for the last week in June, 1874, of the counsel for the respective parties who are to take testimony under this commission.

It is further ordered that the examination of witnesses shall be had at the following places in the following order, and not otherwise, viz: first, at Aix la-Chapelle, next at Frankfort-on-the-Main, next at Berlin, next at Leipzig, next at Prague, and last at Zurich; that four weeks shall elapse between the examination of witnesses at Prague and Zurich; that the examination shall commence at Aix-la-Chapelle on the 6th day of July, 1874, or within two days thereafter; and that no examination shall be had of witnesses at any place after the examination has been finished at that place, or the examination of witnesses commenced at another place.

It is further ordered that the counsel for the plaintiff shall have with him at any and all said examinations of said witnesses, or either of them, all the original invoices mentioned in the declaration herein, or copies or duplicates thereof, and which are in the possession of the plaintiff, and that counsel for defendant shall have full and free inspection thereof, and liberty to take copies of the same.

It is further ordered that all directions herein contained as to time, place, order, and manner of examination of said witnesses may be changed or modified by the written consent of the counsel for the respective parties in Europe or in New York.

It is further ordered that the examination of all witnesses under this commission shall be oral, and taken by question and answer, in the usual manner of taking oral depositions, by examination, cross-examination, and redirect examination; that the testimony given under such examination shall be reduced to writing, signed by the witnesses, and certified by the commissioners respectively, and by them transmitted by mail to the clerk of this court at the city of New York, unless otherwise mutually agreed upon by said counsel for both parties.

It is further ordered that all testimony taken under the commission provided for herein shall be taken subject to all legal objections at the trial of this action.

SAM. BLATCHFORD.

No. 273.

*Mr. Fish to Mr. Nicholas Fish.**

No. 703.]

DEPARTMENT OF STATE,
Washington, September 2, 1874.

SIR: I transmit herewith an extract of an instruction, (No. 35,) of the date of the 20th April last, to Mr. Bingham, the representative of this Government in Japan; also, a copy of another instruction to him, (No. 65,) of the date of the 26th of August last.

The President is impressed with the importance of continued concert between the treaty powers in Japan, at least until after the revision of the treaties, and until the government of Japan shall have exhibited a degree of power and capacity to adopt and to enforce a system of jurisprudence, and of judicial administration, in harmony with that of the Christian powers, equal to their evident desire to be relieved from the enforced duties of extraterritoriality.

He is also impressed with the importance that the several treaty powers should be informed of the determination of each other to adhere to the policy of co-operation.

You are, therefore, authorized to read to the minister of foreign affairs the extract of the instruction No. 35, and also the instruction No. 65.

* * * * *

I inclose, also, for your information, a copy of an instruction (No. 409†) to Mr. George F. Seward, the consul-general of the United States at Shanghai, with two accompaniments, in relation to citizens of the United States connected with the Japanese expedition to Formosa, or who may enter the military or naval service of a foreign power; also, a copy of an instruction, (No. 43,‡) of the date of the 6th of June last, addressed to Mr. Bingham, on the same general subject.

I am, &c.,

HAMILTON FISH.

No. 274.

Mr. Davis to Mr. Fish.

No. 33.]

LEGATION OF THE UNITED STATES,
Berlin, October 30, 1874. (Received November 14.)

SIR: I asked Mr. von Bülow at the foreign office to-day when an answer might be expected to the representations respecting the right of consuls to take testimony, which I had made under your instructions on the 7th of last month. I said to him that commissions from the courts of the United States in some important cases were now in the hands of consuls awaiting the decision of this government.

He answered that Mr. von Schlözer had been instructed a fortnight ago to communicate the answer of this government; that when the testimony of Germans should be required the consuls would not be permitted to act as judges, but that the courts of Germany would facilitate the execution of the commissions in the presence of the consuls. And he

* A similar instruction was sent to the minister to Russia.

† See correspondence with the consul-general in China, *ante*.

‡ For instructions 35, 43, 65, to Mr. Bingham, see under Japan, *infra*.

added that in the particular case which had given rise to the discussion he was satisfied that the complaining Germans were in the wrong.

I replied that as the case had been transferred to Washington I should leave it to my Government to reply; but that, without entering on a discussion, I would take the liberty to call his attention to the fact that consuls were never in such cases made "judges;" that they were merely scribes, appointed by the courts, not as consuls, but as Americans residing at a convenient distance from the witnesses, to reduce to form the evidence, which would be subsequently passed upon by judges in America. And I repeated that this was no new custom; that it had existed from the commencement of the Government.

He spoke of attempts by consuls to compel Germans to appear before them. To which I replied that no such authority was claimed; that it was optional with all the witnesses whether they would appear or stay away.

I have, &c.,

J. C. B. DAVIS.

No. 275.

Mr. Fish to Mr. Davis.

No. 24.]

DEPARTMENT OF STATE,

Washington, November 14, 1874.

SIR: Your No. 33, under date of the 20th of October last, narrating your interview with Mr. von Bülow at the foreign office in relation to the objection interposed by the German government to allowing consuls of the United States to serve as commissioners to take testimony to be used in judicial proceedings pending in this country, has been received.

Your representations to the minister are approved.

Although Mr. von Bülow stated to you that instructions on the subject had been sent to Mr. von Schlözer a fortnight prior to your interview and conversation, nothing has been heard from that gentleman in this connection. The objection interposed by the German government to the obtaining of testimony in Germany to be used in the courts of this country is much to be regretted, and as appears from the admission made to you by Mr. von Bülow, the Germans whose interests led them to resist the taking of the testimony, and who invoked the interposition of their government to prevent it, are now known to have been in the wrong. It would have been quite as satisfactory to this Government had the reply of the German government on a subject presented to their consideration, through the representative of this Government at Berlin, been communicated also through him, and, as is shown, some delay which has occurred might have been avoided.

As Mr. von Schlözer has not communicated the answer of his government, it will not be amiss that you inform Mr. von Bülow that we are still without any reply. You will call his attention to the fact that the suit in which the testimony is sought is one in which the Government of the United States is itself a party.

I inclose herewith copies of existing statutes (which are embodied in sections 4071, 4072, 4073, and 4074 of the Revised Statutes of the United States) enacted by this Government to insure to other powers the opportunity of obtaining testimony in this country in any suit for the recovery of money or property depending in any court in any foreign

country with which the United States are at peace, and in which the government of such foreign country shall be a party or shall have an interest.

In these enactments, which have long been in force in this country, this Government has manifested its friendship to other powers, as well as its desire to aid in the administration of justice in all foreign countries with which it may be at peace.

It is hoped that the answer of the German government may soon be communicated, and that it will be such as shall evince a willingness to reciprocate the very liberal and efficient provisions made in this country to enable Germany, in case of need, to obtain the evidence of witnesses in this country in any suit in which that government may be interested and that the facilities which Mr. von Bülow says that Germany will afford in this direction may prove ample and efficacious.

I am, &c.,

HAMILTON FISH.

No. 276.

Mr. Fish to Mr. Davis.

No. 25.]

DEPARTMENT OF STATE,

Washington, November 17, 1874.

SIR: In connection with my No. 24, of the date of 14th instant, in relation to the obstructions interposed by the German government to the execution of commissions from the courts of the United States for the taking of testimony important in suits pending in those courts of parties resident or sojourning in Germany, I have now to say that yesterday afternoon I received from Mr. Schlözer a note dated 13th instant, covering a copy of a dispatch from the imperial foreign office, dated 12th ultimo, on the subject.

Mr. Schlözer kindly accompanied it with a translation, but the translation is in some respects idiomatic, and needs a more careful examination than is allowed in order to give you full instructions by this mail, which, however, I shall do by an early mail.

* * * * *

I am, &c.,

HAMILTON FISH.

No. 277.

Mr. Schlözer to Mr. Fish.

IMPERIAL GERMAN LEGATION,

Washington, November 13, 1874. (Received November 16.)

SIR: On the 17th of August last I had the honor of a conversation with you about the commissioners appointed by the southern district court of New York for taking testimonies under oath in Germany in the case of S. N. Wolff & Co., in New York.

On the same day I sent to my government your communications in this matter.

In the mean time the legation of the United States at Berlin entered in correspondence with the foreign office on the same question.

The position which the German government occupies in this question,

differing slightly from that of the United States Government, I am now requested to communicate to you a dispatch which the imperial foreign office has directed to me on the 12th ultimo in explanation of such difference of opinion.

I therefore have the honor to inclose herewith the said dispatch, with an English translation of the same.

Accept, &c.,

SCHLÖZER.

[Inclosure.—Translation.]

Mr. von Bülow to Mr. Schlözer.

FOREIGN OFFICE, BERLIN, *October 12, 1874.*

SIR: I herewith respectfully transmit for your information the inclosed note from the Secretary of State of the United States, sent by that honorable gentleman, on the 18th of August last, to Mr. Nicholas Fish, at that time chargé d'affaires ad interim here, and handed to me by the minister of the United States on the 8th of last month; it relates to the taking of testimony within the territory of the German Empire by commissioners appointed by the southern district court at New York, in the case of the custom-house there against the German firm of S. N. Wolff & Co.

The contents of this dispatch have confirmed the impressions made by your communication of August 17th, referring to your interview with Hon. Hamilton Fish, that, namely, the Government of the United States, in reviewing the position taken in this matter by the imperial government, proceeds from a misapprehension of the reasons which induced the opposition on our part to the contemplated taking of testimony *under oath* of subjects of Germany by commissioners appointed by the court at New York.

By communicating the following observations you will doubtless succeed to elucidate and make clearly understood those points by which the action of the imperial government is influenced in taking the position in question.

It is well known to the imperial government that the common law of England is the accepted law of the United States, and that legal proceedings based on the same permit the establishing of facts that may be essential for judicial decisions, through the appointment of commissioners, named by the respective courts at the request of the contending parties, these commissioners having certain well-defined powers, which extend to the taking of depositions *under oath*.

From this it follows as a natural consequence that every court within the jurisdiction of the United States is competent to appoint commissioners for taking such testimony, within every other judicial district of the country, or even to appoint them within such other districts, and also that similar proceedings for the taking of testimony may take place in the different States, and which may be of importance to the decisions of foreign, that is, courts outside of the United States.

If, however, as in the present case, the system for taking testimony is to be put in force in a foreign country, in a country not belonging to the United States, then, according to international law, it can only take place with such limitations and under such restrictions, if not otherwise fixed and arranged by treaty stipulations, as is provided by the existing law-forms of the respective foreign countries.

The imperial government feels assured to be in accord with the United States with regard to the general bearings of this matter, as well as also of entertaining identical views, so that any action arising out of this question can in no wise be influenced by the intentions or possible declarations of either party involved in such litigation, so that any injury to the one or the other might be the consequence.

Now, as regards the putting into practice this legal process for obtaining testimony under oath within the territories of the German Empire, it is admissible according to the laws in force in Germany, and it has not been objected to by the imperial government, that commissioners appointed by courts in the United States may obtain information and make inquiries, provided that the persons who are not American citizens and who give such information do so voluntarily, and that they are protected in so doing.

While, however, the legal system of the United States, as already stated, permits commissioners to act independently in taking testimony under oath, it belongs, according to German law, and according to the laws of the different states constituting the German Empire, exclusively to the jurisdiction of their own proper courts.

This legal fact puts that limit to the action of American commissioners in Germany to which it was the duty of the imperial government to call the attention of the legation of the United States after it had been informed of the appointment of such commissioners by the southern district court at New York with instructions to ascertain certain facts in Germany by their taking testimony under oath.

The circumstance that in this special case consuls were appointed to act as such commissioners, seemed to make it the duty of the imperial government to emphasize, more particularly, that even the exceptional privilege extended to United States consuls by the German-American consular treaty for taking testimony under oath is expressly confined to individuals belonging to their own nationality.

Here also cannot exist any difference of opinion, as if the powers and duties conferred by the American courts on such a commission could enlarge the sphere of action of American consuls, as established by treaty, or work prejudice to the laws of this country.

Our objection, therefore, was not so much to the taking of testimony under oath by American consuls in their official capacity, but against the taking of testimony by American commissioners within the limits of the German Empire altogether, it being incompatible with the legal system of this country.

Nothing was further from the wishes of the imperial government than to throw any obstacles into the way of those very honorable gentlemen appointed by the Executive of the United States as consuls, and who may seem peculiarly fit to exercise the functions of commissioners, or to make it any way more difficult for them to act, only that the imperial government was most anxious to show to the United States the consideration due to them by preventing any acts of American consuls within the territory of the empire, as were ordered by American courts; we drew the attention of the American legation to the fact that the peculiar and exceptional treaty privileges of American consuls did not extend to the taking of testimony under oath so far and in such manner as seemed clearly the intention of the commission appointed by the court at New York.

I will here not fail to state with much satisfaction that in consequence of our statements to the United States legation, as far as any information has reached me, no time has ever been fixed in this case by the commissioners appointed to take testimony under oath within the territories of the empire.

The limitation alluded to before, as put on the action of American commissioners within the German empire, does by no means prevent the carrying out of such interrogations under oath as may be required by the interests of any cause pending before American courts.

The German courts, no less than those of America, recognize under the sanction of German law the principle that the law-courts of all countries are bound to each other to assist in executing law and obtaining justice. They, therefore, make it a practice to comply very cheerfully—without any treaty obligations to that effect—with any requests made by foreign courts of law for the examination under oath of certain designated persons about facts and circumstances. Analogous to such demands, which we call “requisitions,” are the “letters rogatory,” known to the common law of England, and sanctioned by legislative enactments of the United States.

They afford the proper means to harmonize with our institutions and laws any necessity of American courts or of parties to lawsuits pending before such courts for the taking of testimony in Germany.

The German law permits, moreover, that in examinations of witnesses, brought about in this manner, the parties may be represented, and their attorneys are at liberty to exercise a proper influence by putting questions through the judges.

In the present case, therefore, pending in the southern district court of New York, the respective German courts, within the jurisdiction of which the persons to be examined under oath live, will without any delay comply with all requirements that may be made of them by the said American court; and the American commissioners, or other duly authorized parties, will be at liberty to be present at all times fixed by the competent courts, and to put to these witnesses all such questions, through the respective judges, to which an answer under oath may be of importance or desirable to the court at New York for its judicial decision.

In requesting you respectfully to communicate to the Secretary of State of the United States the foregoing remarks, I feel assured in the conviction that the Hon. Hamilton Fish will recognize the reasons which have been decisive for our stand-point, and he, therefore, will not only acknowledge the lawful and actual necessity of the objection made by the imperial government to the carrying out without any limit of the powers conferred on commissioners appointed by the southern district court at New York, but that the honorable Secretary will also become convinced of the erroneous conclusions regarding the maintenance of our objections, which contains his dispatch of August 18 to the United States legation here.

The honorable Secretary of State will, it is hoped, be convinced that the imperial government could never contemplate to put difficulties into the way of executing law and justice; that, however anxious and earnest to oblige the Government of the United States, it must do its duty in preserving the lawfully established competency of the German courts.

The chancellor of the empire, represented by

BÜLOW.

GREAT BRITAIN.

No. 278.

General Schenck to Mr. Fish.

No. 398.]

LEGATION OF THE UNITED STATES,
London, April 30, 1873. (Received May 14.)

SIR: I have been thinking for some time of writing to you in relation to the charges made on telegrams sent to the United States by the Anglo-American Telegraph Company. That company have an arrangement with the Western Union Telegraph Company in our country, through which a systematic imposition is practiced, which ought to be exposed. I bring it to your attention because communications transmitted by ocean cable on Government business are subjected to the same overcharges as are the messages of individuals; and the public and private persons are equally concerned in having what is done known, with a view to some correction of the wrong.

I discovered something of what I am about to explain three or four months ago, and since then have been making inquiries which have elicited the following as, I believe, a true statement of the case:

These two companies have some contract between them by which it is agreed and arranged that messages sent from England by the Anglo-American to all points in the United States shall be received and transmitted by the Western Union to their destinations. Thus the interior and land lines of the latter company are made continuations of the cable on the American side of the Atlantic.

This is proper enough; and a convenience to every one, as well as to the contracting parties. It gives to the Western Union a monopoly of the business coming through the cable to America; and naturally for that monopoly they agree to pay something. Accordingly the contract binds the Western Union to allow the Anglo-American to retain a certain proportion, being, I believe, one-third of what is charged for transmission over the wires within the United States.

The Anglo-American Company have a tariff of prices. The charge for a message from London to New York, or points east of New York, is four shillings per word. After this month, it is understood, they have promised a reduction to three shillings a word.

The Western Union Company have also a tariff of prices. The charge now is, from New York to Washington for the first 10 words 40 cents, and 3 cents for each succeeding word; from New York to Chicago for the first 10 words, \$1, and 7 cents for each word beyond 10; from New York to San Francisco, \$2.50 for 10 words, and 17 cents for each word beyond 10; and so in proportion to other points.

Every word sent by the cable is charged for, including date, address, and signature.

On the land lines of the Western Union within the United States there is no charge made for date, address, and signature.

But now observe the practice under the contract before referred to between the British and American companies.

A message is sent by the cable from London to Washington, Chicago, or San Francisco. The office here demands and collects for each word four shillings, which pays for transmission to New York; and also three

pence more for each word to Washington; nine pence more for each word to Chicago; and fifteen pence more for each word to San Francisco. This, with exchange, and the present difference between gold and the United States currency, is, for that part of the service which lies beyond New York, more than double the proper charge of the Western Union Company; and is so far an extortion or overcharge to be divided between the companies who are parties to it.

When the charges imposed for transmission over the wires west of New York are double the regular tariff prices, the American company can well afford to allow the cable company one-third of the receipts for that portion of the service performed by their lines. If the charge were only double, then the account would stand thus: the Western Union being credited \$2, when the proper amount to be collected for them was but \$1, they would leave $66\frac{2}{3}$ cents with the British company and yet receive $\$1.33\frac{1}{3}$ for their share, being $33\frac{1}{3}$ cents in excess of their regular and legitimate charge at home.

But the case is in some particulars much worse than this.

Let me illustrate by supposing a message of one hundred words sent from London to Washington. Ten of those words may be supposed to constitute the date, address, and names. The cable company would require to be paid here for the transmission over the land-lines between New York and Washington threepence on each of the whole hundred words. This would amount to £1 5s., which is equal to \$6.96. But the regular published charge for such a message by the Western Union would be, for the date, address, and names, 10 words, nothing; for the first ten words, 40 cents; for the remaining 80 words, at 3 cents, \$2.40; one hundred words, \$2.80.

Thus there would be extorted for the service in the United States an overcharge equivalent in currency to \$4.16. And the \$6.96 being divided would give the British company the equivalent of \$2.32, and leave to the American company for their share \$4.64, which is still \$1.84 beyond their legitimate charge at home.

In the case of shorter messages, where the address, date, and names bear a larger proportion to the text, the proportional overcharge would be greater. For a message, for instance, of twenty words, there would be collected here, for the line from New York to Washington, five shillings, equal to \$1.39 in United States currency, instead of forty cents, which would be the charge at home. In such a case the Western Union pocket for their share, for service performed by them, 93 cents, being much more than twice their whole proper charge. And it must be remembered that a large proportion of telegrams sent across the ocean have a text of but ten words or less.

This may seem dealing with an inconsiderable matter; but considered in the aggregate and computing the percentage of unjustifiable charges, it is no small thing as affecting the cost of sending intelligence between the two countries. So far as the Government of the United States is concerned, it must have made a large difference during the past year.

I have no means of knowing whether messages coming from Washington, or other points in the United States, to be transmitted by the cable to England, are subjected to the same or similar overcharges or not.

My calculations are based on \$1.09 for exchange and \$1.15 for gold, which has been for some time a fair average.

I submit this exposure to you for such use as you may deem it proper to make of the information.

I have, &c.,

ROBT C. SCHENCK.

No. 279.

Mr. Fish to General Schenck.

No. 412.]

DEPARTMENT OF STATE,
Washington, June 27, 1873.

SIR: I inclose herewith, for your information, a copy of a communication addressed to this Department by William Orton, esq., president of the Western Union Telegraph Company, under date of the 21st instant, relating to the statement contained in your No. 398, so far as concerns the management of the company above mentioned.

I am, &c.,

HAMILTON FISH.

[Inclosure.]

*Mr. Orton to Mr. Fish.*EXECUTIVE OFFICE WESTERN UNION TELEGRAPH COMPANY,
New York, June 21, 1873.

SIR: I have had the honor to receive your communication of 11th instant, replying to mine of the 10th, concerning the letter of Gen. Robert C. Schenck, United States minister to England, published in the New York Herald of Sunday, June 8, instant, and which you inform me is substantially a correct copy.

It appears, therefore, that the minister of the United States in London has addressed an official letter to the Department of State, in which grave charges are made affecting the reputation for honorable dealing of certain citizens of the United States. A copy of these charges was, as you informed me, transmitted to the Post-Office Department, and by the latter was given to the press for publication. It does not appear that any effort was made, either by the State or Post-Office Department, to ascertain if the charges were true; and, therefore, it may be fairly inferred that they were assumed to be true by the officials of both Departments, who appear to have also assumed that the correction of the abuses alleged would be secured by making them public.

The charges made by General Schenck, which concern the managers of the Western Union Telegraph Company, are these:

1. That the Anglo-American Telegraph Company, which controls the submarine cables in operation between Europe and America, "have an arrangement with the Western Union Telegraph Company through which a systematic imposition is practiced, which ought to be exposed," which arrangement "binds the Western Union" to allow the cable companies to return "one-third of what is charged" for the transmission of cable messages over the land lines in the United States.

2. That under this arrangement the charges for the transmission of cable messages over the wires beyond New York are double the regular tariff prices charged on domestic messages, "an overcharge to be divided between the companies who are parties to it;" and that "the Western Union pocket for their share much more than twice their whole proper charge."

3. That "communications transmitted by ocean cable on Government/business are subject to the same overcharges as are the messages of individuals."

To these charges I respectfully submit the following reply:

1. It is true that the Western Union Company have made an arrangement with the companies controlling the Atlantic cables for connection and for the mutual exchange of business, which, as General Schenck says, "is proper enough, and a convenience to every one, as well as to the contracting parties."

2. But it is not true that this arrangement "binds the Western Union Company" to allow the cable companies to retain one-third or any other share of what is charged for the transmission of cable messages over the land lines in the United States, nor that the charges for such transmission are in excess of the average charges for other telegraphic messages.

The facts are these: The cable business is controlled by the cable companies, who fix the rates to be charged, and make and modify the rules governing its conduct. The Western Union Company have agreed to apply these rates and rules to cable messages in the United States, whether received from or transmitted to the cables, and to accept certain fixed rates per word as their compensation for all services connected with the transmission of such messages, including the keeping proper accounts and collecting and paying over the moneys accruing therefrom.

There are more than 6,000 telegraph stations in the United States, and, it being impracticable to supply European offices with a tariff to each of such stations, this country is divided into four districts, for each of which a uniform rate is established. The cable-rate of \$1 per word between England and New York includes 8 cents a word, payable to the Western Union Company for their part of the service. The rates beyond New York are: To all stations in New Jersey, Pennsylvania, Delaware, Maryland, and District of Columbia, 3 cents a word; for all other territory east of the Mississippi River, including the city of Saint Louis, 15 cents a word; for all other stations in the United States west of the Mississippi River, 20 cents a word. The rates to points on the Pacific coast have been slightly reduced since the date of General Schenck's letter.

Under the rules of the Western Union Company the message rate in the United States is for a minimum of ten words, with a rate per word for additional words above ten; but the rules of the cable companies permit any number of words to be sent at the word-rate, and the result is that a majority of cable messages contain less than ten words; those of three, four, and five words being common, and occasionally a message is offered containing only two words. The Western Union Company charges \$1 for ten words or less between Chicago and New York. The majority of cable messages from Chicago contain less than ten words, the average for an entire month having been as low as six words.

In the case of Saint Louis and Saint Paul, the rate on domestic messages to New York is \$1.50 for ten words or less, while the cable-rate is 15 cents a word. But between New York, New Orleans, and Mobile the local rate is \$2 for ten words or—never less and sometimes more than—20 cents a word, while the rate on cable messages is only 15 cents a word. The result is that on cable messages the Western Union Company actually receive only the average of their local rates, while they are obliged to transmit cable messages of three words from New Orleans and Saint Louis to New York for 45 cents, or from San Francisco and Oregon for 60 cents. Such messages are handled at considerable loss, and if charged by Western Union rules, would be treated as containing ten words. Concerning the rates collected in England or other portions of Europe, for messages to stations in the United States, the Western Union Company have no choice, and in respect to many of them have had no knowledge, until prompted to inquire by the published charges made by General Schenck.

The Western Union Company agree to perform specific services for a fixed compensation, all of which they receive, and no part of which is, in any manner, divided, refunded, or otherwise paid as a consideration for having the cable business given exclusively to them. They are no more responsible for the tolls charged on cable messages in Europe than a railway company in the United States would be for the freight charged at Liverpool on merchandise destined for Chicago or San Francisco which should include the charges payable to the railway company.

3. It is also untrue that "communications transmitted by ocean cable on Government business are subjected to the same overcharges as are the messages of individuals," or to any overcharges whatever, as will clearly appear by the following statement, which can be verified by a reference to the vouchers in the State Department.

The tariff on cable messages from London to Washington, paid in London, is 4s. 3d. a word. When paid in Washington, the charge is \$1.03 a word. But although there is no obligation on the part of the cable companies to transmit messages "on Government business" at less rates than for individuals, such messages are transmitted at *half rates between London and New York*. Instead, therefore, of the rate of 4s. 3d. a word, London to Washington, the State Department pays only 2s. 3d., and from Washington to London 53 cents a word instead of \$1.03.

General Schenck's zeal and efficiency in exposing "systematic imposition" upon the public, as sometimes practiced by the promoters and managers of swindling corporations, are widely known and fully appreciated, especially in England. But he could not have been aware, when he attached his official signature to erroneous charges, which probably he did not prepare nor even carefully examine, that his reputation and office were being used by the active and unscrupulous agents of an opposition cable scheme. Yet such is evidently the fact. I submit, however, whether it is a part of the official duty of the American minister at London either to seek to relieve the people of England from what he is pleased to style the "systematic imposition" of an English corporation, whose conduct is satisfactory to the British public and government, or to arraign citizens of the United States before our Government and people, upon charges concerning the conduct of their private business, which, although absolutely groundless, are certain to prove injurious.

To the success of the great enterprises in which the cable companies and the Western Union Company are engaged the United States Government has not contributed one dollar. More than this, it has refused in at least one instance to pay for official messages exchanged with a foreign government, until its obligation to do so was affirmed by the decision of a Federal court. It would seem not unreasonable, then, that these companies, whose capital and enterprise have connected the United States with the telegraphic systems which are rapidly encircling the globe, if not entitled to receive

special favors from our Government, should at least be exempt from the open hostility of its officials.

It seems unfair for a representative of the United States at a foreign government to lend a willing ear and the influence of his office to the schemes of those who have no other interest in the business than the hope that something may be made out of it. But it seems still more unfair that the official charges reported by this representative to his Government, should be by the latter given to the public, with an implied indorsement of their accuracy, without notice to the party charged, and without inquiry as to the truth of the allegations.

I have the honor to be, very respectfully, your obedient servant,

WILLIAM ORTON, *President.*

No. 280.

General Schenck to Mr. Fish.

No. 442.]

LEGATION OF THE UNITED STATES,
London, July 7, 1873. (Received July 22.)

SIR: My No. 398, in relation to charges on telegraphic-cable messages, having been made public through the newspapers in the United States, has also been copied and attracted attention here. On its appearance in print, in the correspondence of the London Times, a letter of complaint was addressed to me by the general manager of the Anglo-American Telegraph Company in London, to which I replied. I send you herewith copies of the communication of that company and my answer thereto.

You will observe that the Anglo-American Company, instead of meeting and controverting the statement that there exists some arrangement by which excessive charges are collected in London for the transmission of cable-messages over the land-lines in the United States, attempts to make with me an irrelevant issue in regard to some supposed reduction of prices paid by the Government. This I do not permit. The system of overcharges which I brought to your notice is that which relates to exactions made here for sending intelligence over the wires within the United States to points south and west of New York.

No response has been made by the cable company to my reply sent to them on the 30th June.

The Western Union Company, I presume, will put forward some explanation or denial, now that my letter to you has come out and provoked discussion, but I trust they will not answer aside from the question which has been fairly raised.

I have, &c.,

ROBT C. SCHENCK.

[Inclosure 1 in No. 442.]

Mr. Weaver to General Schenck.

ANGLO-AMERICAN TELEGRAPH COMPANY LIMITED,
26 Old Broad Street, London, E. C., June 27, 1873.

SIR: Referring to your letter addressed to Mr. Hamilton Fish, upon the subject of this company's tariff, which appeared in the Philadelphia correspondence of the Times of yesterday, and in which you state that the alleged "systematic imposition" has resulted in a large difference to the Government of the United States during the past year, I would draw your attention to the fact that, instead of being overcharged, your Government has only paid half the current rates of the company for some years past, a concession made by the companies to the American Government as a pure matter of courtesy, which appears to me to be somewhat ill-requited by the unwarranted strictures contained in your letter.

I am, &c., &c.,

H. WEAVER,
General Manager.

[Inclosure 2 in No. 442.]

*General Schenck to Mr. Weaver.*LEGATION OF THE UNITED STATES,
London, June 30, 1873.

SIR: I have received your note of the 27th instant, referring to an official letter of mine of the 30th of April last, addressed to the Secretary of State of the United States, relating to the charges made for the transmission of messages by the Anglo-American Telegraph Company, a copy of which letter has appeared in the public prints.

You appear to overlook or misunderstand entirely the point of my communication on the subject, and its object.

I raised no question as to the tariff of prices of your company, whether excessive or moderate, for sending dispatches by the cable across the ocean from England to America. My purpose was to attract attention to the charges, made, as I understand, under some arrangement between your company and the Western Union Company, for the use of the land-lines of that company within the United States, to reach points west and south of New York; and I showed that the exaction of payments made here for that portion of telegraphic service was double, or more than double as much as the rates indicated in the tariff of the American company, for the same service, over the same lines at home. This you have not denied. I brought this matter to the notice of my Government, as it was proper I should do.

If I am not mistaken as to the fact, there is no reason for your characterizing my report as containing "unwarranted strictures."

Whether, as you state, the Government of the United States "has only paid half the current rates of the company for some years past," and whether that was, as you also inform me, "a concession made as a pure matter of courtesy," I do not certainly know. I found your scale of charges when I came here to represent the United States about the same, I believe, as it continues to be. Inquiry being made since receiving your letter, I learn that the reduced rates, of which you speak, relate to some agreement not to make double charges against either the United States Government or Her Majesty's government for dispatches of which any portion may happen to be transmitted in cipher. But whatever may be the case in respect of that statement, I do not see how, with justice or propriety, it should be taken as a consideration for not exposing what appears to be a wrong, in the correction of which I have shown that the public and private persons are equally concerned.

I had far other and higher motives for my action, than to assail the interests of any of the telegraph companies on either side of the Atlantic; and my communication to my Government having been made public, it is certainly no "ill requital" for any favor or advantage that you may be supposed to have conferred, to afford you an opportunity for abolishing an unjust discrimination against many of those who have to correspond through the medium of the telegraph.

I am, &c.,

ROBT. C. SCHENCK.

No. 281.

General Schenck to Mr. Fish.

No. 460.]

LEGATION OF THE UNITED STATES,
London, July 26, 1873. (Received August 21.)

SIR: Your No. 412, inclosing a copy of a communication addressed to you by Mr. Orton, the president of the Western Union Telegraph Company, was duly received. I have also seen Mr. Orton's letter widely published in the newspapers.

I propose now to make that somewhat remarkable paper the subject of comment, and I trust that the same publicity which has been given to it, and to my dispatch to you to which it purports to be a reply, will be given to this, my answer.

What was the information which I gave the Department for such use in the public interest as it might be deemed proper to make of it? I stated that an arrangement existed between the Anglo-American Cable Company and the Western Union Company, under which the former

company charges and collects on all messages sent from England to points west and south of New York, for that part of the service which lies within the United States, double, or more than double the rates which are charged by the Western Union Company for the like service at home, and this Mr. Orton does not deny. He makes a show of denying it; but his answer is evasive and disingenuous, and furnishes only a striking example of the way in which a person, having no good defense, may seem to escape under cover of immaterial issues, while not in the slightest degree meeting the complaint which is really made. Let us see if I state this too strongly.

1. In my communication to you I said that I believed the contract between the two companies provided for a division between them of the receipts from this land-service in the proportion of one-third to the Anglo-American and two-thirds to the Western Union, and I went on to illustrate how profitable would be to the Western Union such dividing of the overcharge, inasmuch as such receipt of two-thirds would quite exceed the whole proper charge made under the home tariff of that company. Mr. Orton denies fiercely and with much ostentation that the agreement between the companies provides for a division of the charges for the service of his company in that proportion. All I have to say on that point is, that I learned, from what I supposed to be a reliable and well-informed source, that such was the nature of the agreement.

Mr. Orton himself knows, better than any outsider can, what really are now, or have been heretofore, the exact terms of the contract, and can remove all doubt, if he thinks proper so to do, by publishing the actual documentary proof. This, however, is not the question. It is not the public complaint. This is merely asserting that a mistake has been made in stating the manner of division of the spoil. It is of little consequence to the public how the parties apportion the excessive rates between them. It is of far more interest to discover that they have been imposing and collecting such exorbitant rates.

2. Mr. Orton attempts to meet the exposure of these overcharges for the land-service on his lines in the United States by asking attention to the reduced rates charged by the Anglo-American Company for messages sent on government account. This, again, is avoiding the issue. On careful examination of the quarterly bills which have been rendered and paid here for ocean-cable service, I find that the rates vary, being sometimes half the tariff charge, sometimes more than the full charge, depending apparently in part, but not entirely, upon the fact whether the messages were altogether or any portion of them in cipher. But what has this to do with the rates, doubled or more than doubled, over the wires of the Western Union Company? Nothing whatever; and Mr. Orton himself furnishes that answer in his own express language, when he says, "instead of the rate of four shillings and threepence a word, London to Washington, the State Department pays only two shillings and threepence." Thus showing that even if a reduction is made to the Government, it is only on the cable-service from England to America, and does not apply to the excessive rates collected here for the use of the lines in the United States.

As to messages coming the other way, that is, "from Washington or other points in the United States, to be transmitted by the cable to England," I have, in my former letter to you, distinctly stated that "I have no means of knowing whether they are subjected to the same or similar overcharges or not." Any reference, therefore, in Mr. Orton's letter to messages from the United States to England was uncalled for,

and could have been introduced only for the purpose of withdrawing attention from the real issue.

— So much for the plain, simple, substantive complaint embodied in my letter to you. It was a complaint first brought to my knowledge by respectable banking and commercial houses here, who had discovered that they were thus imposed on, in being compelled to pay, in addition to the heavy cost for the transmission of their telegrams across the ocean, a rate of charges for their passing over the wires in the United States so greatly in excess of the charges regularly made in America. I was asked if I could give an explanation. I could not. But I thought, as others concerned did, that anything thus injuriously and unfairly affecting easy, cheap, and rapid correspondence between countries having such necessary, intimate, and constant relations as Great Britain and the United States, was well worthy of investigation, and exposure if need be, with a view to correction of the wrong.

I am glad to find that my movement in this direction has been successful.

In replying to and denying not the essential charge, but matters entirely collateral to the main fact, the president of the Western Union Company has made admissions and furnished information showing most clearly the existence of the unfair and extortionate practice complained of.

Before proceeding to verify this, I furnish and refer to, and request to have appended and made a part of this communication, the tariffs of charges of the Anglo-American Company and of the Western Union Company, respectively, as officially published by them in this country and in the United States. I believe no change, or no material change, has been made in the rates set forth in these tables; and I have assumed them therefore as the basis of my computations. With these tariffs before you, you will be better able to follow and comprehend my comments and figures.

First, then, let us see what is actually exacted and collected in England for transmission of messages over the wires of the Western Union lines to points beyond New York. If the tariff of the Anglo-American Company be analyzed, it will be found that the whole of that service beyond New York is divided (not into three, as Mr. Orton says, but) into five rates or classes of charges. These rates are for every word, including the date, address, and names of the sender and receiver.

1. Threepence (being equal to 6.951 cents) for each word for all stations within the District of Columbia, Delaware, Maryland, New Jersey, Pennsylvania, and all places in New York outside of the city.

2. Ninepence (equal to 20.87 cents) for each word for all stations in Alabama, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, Wisconsin, Saint Louis in Missouri, and Lake City, Saint Mark's, and Tallahassee, in Florida.

3. One shilling (equal to 27.83 cents) for each word for Pensacola, in Florida.

4. Fifteen pence (equal to 34.785 cents) for each word for all stations in Arizona, Arkansas, California, Colorado, Dakota, Idaho, Iowa, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, Texas, Utah, Wyoming, and all places in Missouri except Saint Louis.

5. Two shillings (equal to 55.66 cents) for each word for all stations in Oregon, Washington Territory, and all places in Florida except Lake City, Saint Mark's, Tallahassee, and Pensacola.

Now, comparing these charges with those which are given in the tariff

of the Western Union Company for the same service, it will be seen that they are in the average, as I have averred, double, or more than double, what are paid for sending over the same lines and to the same points at home.

In considering these extortionate overcharges, it is to be borne in mind, too, as I have in my former letter explained, that the excess is made greater by the fact that names, dates, and addresses are charged for in the one case and not in the other.

But it may be claimed that these several charges per word—three-pence, ninepence, one shilling, fifteen pence, two shillings—do not amount, at great distances from New York, to double the charges, or, in some instances, to even as much as the charge made by the Western Union Company at home; but, then, let it be especially noted, that the charge of threepence a word, which is very nearly seven cents, additional to the ocean charge, is imposed for all that territory which lies within the limits of the District of Columbia, Delaware, Maryland, New Jersey, Pennsylvania, and all places in New York outside of the city. Within this area are included the cities of Brooklyn, Jersey City, Albany, Buffalo, Newark, Philadelphia, Wilmington, Baltimore, and Washington. Within this area is transmitted and distributed, doubtless, a very large proportion of the whole business intelligence which passes by cable from England to the United States.

The regular charges of the Western Union at home for messages within this territory are generally 25, 30, or 40 cents for the first ten words, and only 2 to 3 cents per word for all over ten words.

Take for example Philadelphia. The difference is so much that I have been informed by a leading banking-house that, instead of sending telegrams through from here to that city, they send only to New York, and have their agent there transmit them thence to Philadelphia. This in a large business is a great saving.

But these calculations can be readily made by any one having the aid of the accompanying two tables of charges. It is not necessary therefore to repeat instances by way of illustration. My computations in this, as in my former letter, are made on the basis of 109 for exchange, and 115 for gold.

The fact of such excessive charges demanded and received by the Anglo-American Company, for that portion of service performed by the Western Union Company, stands proved then beyond all question or denial.

Now, what is Mr. Orton's defense? As I have before said, he does not controvert what is thus alleged. He undertakes to show that the Western Union is not implicated, or a sharer, in these excessive rates. He says "there are more than 6,000 telegraph stations in the United States, and it being impracticable to supply European offices with a tariff to each of such stations, this country is divided into four districts, for each of which a uniform rate is established. The cable rate of \$1 per word between England and New York includes 8 cents a word, payable to the Western Union Telegraph Company for their part of the service. The rates beyond New York are, for all stations in New Jersey, Pennsylvania, Delaware, Maryland, and District of Columbia, 3 cents a word. For all other territory east of the Mississippi River, including the city of Saint Louis, 15 cents a word. For all other stations in the United States, west of the Mississippi River, 20 cents a word."

It is not clear to me what Mr. Orton wants to have understood by this statement. I suppose he means to aver that the proportion of the receipts allotted to the Western Union is an allowance of 3 cents, 15

cents, or 20 cents per word for three classes of stations at different distances west and south of New York, and 8 cents additional for each word for that company's part of the service east of New York. This would make his classification of the allowances to the Western Union aggregate 11 cents, 23 cents, and 28 cents. And this raises the question how much, or what part, of the service is performed by the Western Union Company before New York is reached? It must add greatly to the value of the general bargain, if, without reference to New York, 8 cents per word is received for every cable message sent anywhere in New England from the point where it reaches the United States. In any view of the case it is most evident that these receipts of 11 cents, or 23 cents, or 28 cents for the share of the Western Union for every word transmitted by cable beyond New York, are quite above its own regular charges. And Mr. Orton cannot escape from this proposition by calculations relating to particular remote points, without reference to the general average of business.

Mr. Orton, in all his instances of the prevailing number of words in a telegram, and which in the case of transmission between Chicago and New York he says were during one month down to an average of six, evidently leaves out of the calculation the names and addresses of the sender and the receiver of the message, which can certainly, in hardly any case, be less than four; and this would make an average of ten words charged for under the cable system. It is true he speaks of cable messages of two words; but it would puzzle one to know what sort of a message that could possibly be when names and addresses are counted and charged for.

But this, after all, as I have already said, is quite aside from the controversy between us. I may have been mistaken as to the exact proportion of advantage received by the Western Union in the division of this overcharge for service by its lines. I am not mistaken as to the excessive and exorbitant charges, which I have helped to expose. And the whole public, I believe, will unite with me in calling on the Western Union Company, and in calling on Mr. Orton, to see to it that this imposition is no longer continued.

But Mr. Orton's reply to this demand is that the Western Union Company is in no sense responsible for the charges made by the Anglo-American Company; that "the cable business is controlled by the cable companies, who fix the rates to be charged, and make and modify the rules governing its conduct." And yet in the same connection he admits that the Western Union Company has agreed to apply these rates and rules to cable messages in the United States, and to accept certain fixed rates for its compensation for all services on its own lines. This is, indeed, if we are to believe it, a sad condition of servitude. Are we to understand that the managers of the Western Union Company say to the foreign cable company, "Here are our lines spreading all over the United States; we are ready to receive and distribute all messages that you will send. We stipulate only for a certain share of your charges, which we will cheerfully and submissively accept as compensation satisfactory to us, and, that being paid, we care not what or how much you charge the citizens of the United States or of Great Britain for our work that we do for you. It may be a penny a word or a pound a word. That is nothing to us."

Who can believe that the Western Union is so completely a neutral, or so entirely subject to the rule of a foreign corporation?

Two things, at least, are certain and beyond all dispute. (1.) There is an arrangement of some kind between the companies on the two sides

of the Atlantic. (2.) And under that arrangement all persons who transmit messages from England beyond New York, pay at least twice as much for the use of the American lines as they would have to do for the same service in the United States.

Perhaps I owe it to myself not to close without referring to the fact that the reply made in behalf of the Western Union Company is garnished with flings and innuendoes against me. To this form of assault I have only to answer, that it is unworthy of Mr. Orton; and I should lack self-respect if I noticed such attempt to bolster up, by gross personality, the deficiency in a statement or an argument. I have character enough, I think, to be sufficient protection against falsehoods that are put forward only by cowardly insinuations; and I rest perfectly secure in the knowledge that if slander dares to take a bolder and more definite form, there are ample proofs to meet it.

But Mr. Orton goes out of his way also to intimate the existence of some influence exercised over me on the part of persons or associations whose interests are opposed to those of the corporations with which he is connected. This is another most mistaken conjecture. I have no interest, never have had, and do not expect to have, direct or indirect, in any cable telegraph company.

I do wish to see the day arise when the business will not be so much controlled by a monopolizing and absorbing combination, but reasonably cheapened to the public by the wholesome competition of rival lines. I look upon the continuance of such a monopoly as an obstruction now in the way of the great civilizing and peaceful influence to be hoped for from the cheapest possible transmission of intelligence between the remotest as well as the nearest parts of the earth.

I have, &c.,

ROBT. C. SCHENCK.

No. 282.

General Schenck to Mr. Fish.

No. 467.]

LEGATION OF THE UNITED STATES,
London, August 5, 1873. (Received August 21.)

SIR: Parliament was prorogued to-day. I send herewith a copy of the Queen's speech, delivered on the occasion by lords commissioners. You will find nothing adverted to in it of any special interest to the United States.

I am, &c.,

ROBT. C. SCHENCK.

[Inclosure.]

MY LORDS AND GENTLEMEN: I am now released from the necessity of calling upon you for the further prosecution of your arduous occupations. In bidding you farewell for the recess, I make it my first duty to thank you for the loyal promptitude with which you have made further provision for my son, the Duke of Edinburgh, on the occasion of his approaching marriage with the Grand Duchess Marie Alexandrovna of Russia. This marriage will, I trust, form a new tie of amity between two great empires. The best relations continue to subsist between myself and all foreign powers. I am able to announce the successful termination of the mission to Zanzibar, made known to you at the beginning of the session. Treaties have been concluded with the Sultan of Zanzibar, with the Imaum of Muscat, and with other native powers, which will provide means for the more effectual repression of the slave-trade on the east

coast of Africa. I have been enabled to bring to a satisfactory issue the commercial negotiations with France, in which my government has been for some time engaged. Under the provisions of an instrument signed on the 23d of July, and awaiting ratification, the treaties of 1860 are again put in force, with a comprehensive engagement contracted between the two countries for mutual treatment on the footing of the most favored nation; and the differential tax on the British flag has been removed. Separate provisions are contained in the treaty for the adjustment of the question of mineral-oils, and otherwise for the relief and extension of trade. I have likewise concluded treaties of extradition with Italy, Denmark, Sweden, and Brazil. The ratifications of the two last-named treaties have not yet been exchanged, but I anticipate no difficulty in this final step; and I am engaged in negotiations for agreements of a similar character with other states both in Europe and beyond it. I am still occupied in giving effect to those provisions of the treaty of Washington which relate to British claims against the Government of the United States and to the interests of my possessions in North America.

GENTLEMEN OF THE HOUSE OF COMMONS: I am very sensible of the liberality with which you have provided for the various charges of the state, and have likewise enabled me promptly to meet the obligations imposed upon me by the award of the arbitrators at Geneva during the past year.

MY LORDS AND GENTLEMEN: I have observed with satisfaction the progress you have been enabled to make in the remission of public burdens by reducing both the sugar-duties and the income-tax to points lower than any at which they have previously stood. The act for the establishment of the supreme court of judicature forms a distinguished record of your persevering labor, and will be found, as I hope, to confer corresponding benefits on the country in the more cheap, certain, expeditious, and effectual administration of justice.

The acts for the amendment of the education act, 1870, and of the endowed schools act of 1869, will, as I trust, tend to accelerate the attainment of solid national advantages through the extension of education both in the middle and the most numerous classes of the community.

The act relating to the regulation of railways and canals promises to conduce to the more harmonious working of the railway-system of the country.

I have with pleasure assented to the act relating to merchant-shipping, from which, and from the labors of the commission recently appointed, I hope for a diminution of the risks to which the seafaring population are exposed.

The revenue has, up to this time, fully answered my expectations; and, although the activity of trade in some of its branches may have been somewhat restrained by a variety of causes, the general condition of the people continues to exhibit evidences of improvement.

These and all mercies of Divine Providence will, I trust, find their suitable acknowledgment alike in our words and in our hearts.

Then a commission for proroguing the Parliament was read.

After which the Lord Chancellor said:

MY LORDS AND GENTLEMEN: By virtue of Her Majesty's commission, under the great seal, to us and other lords directed, and now read, we do, in Her Majesty's name, and in obedience to her commands, prorogue this Parliament to Wednesday, the 22d day of October next, to be then here holden; and this Parliament is accordingly prorogued to Wednesday, the 22d day of October next.

No. 283.

General Schenck to Mr. Fish.

No. 472.]

LEGATION OF THE UNITED STATES,
London, August 12, 1873. (Received August 26.)

SIR: The deportation of convicts and paupers from Great Britain to the United States is a matter which has demanded my attention from time to time, and it has been for me already the subject of some correspondence with the Department.

The practice of sending to our shores, under any direct or official sanction of the British government, such disreputable or helpless additions to our population, does not now, I believe, exist. Still it is necessary to be watchful against any movement in that direction. It is a great temptation to people on this side of the Atlantic, in view of the

free asylum and welcome we give so generally to emigrants, to resort to that easy method of relieving themselves of a portion of their public burdens. They find it a simple and comparatively inexpensive expedient for ridding European countries of criminals, who are to be either supported, if in prison, or guarded against, if at large, as well as of the miserably destitute who can only subsist as objects of charity. But while Her Majesty's government may not be disposed to forget in this particular what is due to our country by the comity of nations, some of the local authorities in England and Ireland are not disinclined, if an opportunity occurs, to make of the United States a cheap place of banishment and settlement for the inmates of their jails and poor-houses.

In my No. 94, December, 1871, I first wrote to you on this subject, giving you full report of a protest I had made against a scheme entered into by a parish vestry at Liverpool for sending off certain pauper children to the United States; and I communicated at the same time some correspondence I had with Lord Granville about it. The result of that interference on my part, and of informal communications which it led to, was an abandonment, by the local authorities implicated, of that offensive undertaking.

Next in order came your dispatches, Nos. 111 and 117, in relation to the cases of four persons who it was alleged had arrived at New York, released, before the expiration of their terms of sentence, from certain English prisons on condition of their going to the United States. In my No. 160, in reply, I gave you a copy of my note to Lord Granville in regard to those cases, and a copy of his answer on the 16th of February, 1872, informing me that he had referred my communication to the secretary of state for the home department.

Afterward, on the 15th of March, 1872, I received another note from his lordship, communicating the report from the home department as to those particular convicts. It was explained that while it appeared that discharged prisoners desirous of emigrating to America were assisted in that object by certain prisoners' aid societies, yet no action was taken by Her Majesty's government, who have no power to prevent such persons from going wherever they please; and Her Majesty's government had no means of knowing whether the passage-money of those persons was supplied by their relatives in America, or by some charitable society. I inclose now herewith a copy of that last-mentioned note of Lord Granville. It was not satisfactory to me. I thought it did not sufficiently appear by the explanation given that those prisoners were not discharged before their terms of imprisonment expired, or that their emigration was not made a condition of their release. However, I concluded not to pursue the correspondence further at that time, but to reserve these objections for the future. I expected other occasions to occur.

In February last, with your No. 332, you sent me for investigation the case of one Bryan Fitzgerald. This man was reported, through the consul-general at London, to have been released from jail at Dublin when he had yet two years and three months of his term of imprisonment to serve, on condition of his going to the United States, and it was averred that having returned within that limit of time, he had been arrested and re-imprisoned for the remainder of his term of sentence. The statement was obtained from the man Fitzgerald himself. I took same pains to inquire after this man, to discover if his story could be verified, and had some correspondence with persons in Ireland in reference to him. As far as I could ascertain from unofficial sources his statement was substantially true.

But in the mean time my attention was attracted to another instance by a minute of the proceedings of the "North Dublin Union," published in a newspaper of that city on the 22d of May last. The publication was official. It appeared that a meeting was held on the 21st of May, attended and conducted by the guardians of the union, and presided over by a public magistrate; and that it was voted to appropriate from a public fund the sum of £12, subject to the approval of the local government board, to provide an outfit and passage-ticket for a girl named Courtenay, "an inmate of the union work-house," to enable her to accompany her mother who was at the time "a convict at Mountjoy prison," and was "about to leave for America." I immediately addressed a communication to Lord Granville, in terms of strong remonstrance against any such procedure. I repeated the expression of my views in reference to the deportation of criminals and paupers from any part of Her Majesty's dominions to the United States; and I requested especially that a prompt investigation might be made of the circumstances attending the case of Fitzgerald, and this new action of the local authorities at Dublin, with a view to some decided measures being taken to prevent the recurrence of such wrong, or the continuation of a practice so hurtful and disturbing to the friendly relations between our two countries. I was fortunate in being able to enforce my views by a citation of language used recently by Lord Granville himself, when making a similar complaint against the government of France.

But I must ask you to refer to and read this note to his lordship, a copy of which I transmit herewith.

To this communication I received from Lord Granville a reply, dated the 2d of June last, informing me that he had lost no time in referring the matter to Her Majesty's secretary of state for the home department. And afterward, on the 31st of July, he wrote to me again, communicating a copy of a letter from the Irish government, with accompanying reports from the Irish convict-prisons and local government-board departments, which he had received from the home department in relation to these cases.

I send you copies of all these papers, and also of Lord Granville's two notes.

These notes and these documents from Ireland I must request you to read and consider in connection with my respectful protest and my request for investigation.

I do not think they are a sufficient and satisfactory answer. We are entitled to some fuller assurance of the decided discountenance by Her Majesty's government of the acts and practice of which I have complained.

It is my present purpose, after a time, to return to the subject again by a further communication to Lord Granville, making some comments on the want of fullness in his answer and the explanations attempted to be given.

I have, &c.,

ROBT. C. SCHENCK.

[Inclosure 1 in No. 472.]

Lord Granville to General Schenck.

FOREIGN OFFICE, March 15, 1872. (Received March 19, 1872.)

SIR: With reference to my note of the 16th ultimo, I have the honor to acquaint you that the secretary of state for the home department has stated to me that he has caused inquiry to be made into the subject of your note of the 31st of January, calling

attention to information which your Government had received that certain discharged prisoners had been furnished with means by public authorities or prison aid societies in this country in order that they might emigrate to New York. And I now beg to inform you that it appears that the persons in question, being discharged prisoners, were desirous of emigrating to America and were assisted in their object by certain prisoners' aid societies.

No action, however, was taken in the matter by Her Majesty's government, who have no power by law to prevent such persons from going wherever they please. Nor has Her Majesty's government the means of knowing whether the passage-money of these persons was supplied by their relatives in America or by some charitable society.

I have, &c.,

GRANVILLE.

[Inclosure 2 in No. 472.]

General Schenck to Lord Granville.

LEGATION OF THE UNITED STATES,
London, May 27, 1873.

MY LORD: In the early part of last year I had the honor of some conversation and correspondence with your lordship in relation to the deportation to the United States of certain persons who had been released in England from unexpired terms of imprisonment for criminal offenses. To recall what then passed between us I refer to my note to you of the 31st of January, 1872, and to yours in reply of the 16th of February and 15th of March of that year. Your note last referred to closed our correspondence as to that particular occasion of complaint. You met my inquiries and my earnest and serious protest in the most friendly and courteous spirit, such as I trust is ever to characterize the intercourse between our two Governments when either of them may have cause to appeal to the sense of justice and comity of the other.

I confess to not having been quite satisfied with the explanation then given by the secretary of state for the home department, or rather with the limit of the investigation made in the cases of the four prisoners discharged from Brixton, Portland prison, and Kirkdale jail. It seemed to me that although Her Majesty's government had certainly no power, as was stated, to prevent persons thus set free and desiring to emigrate, from going wherever they pleased, nor any means of knowing whether their passage-money was supplied by their relatives in America or by some charitable association, yet there was room left to suppose that the discharge from imprisonment in some or all of those cases might have been made by the local authorities with a purpose and understanding that the men should be taken up and provided for and sent off to the United States by the contributions or charity of individuals or societies. It was at least not clear that such emigration, though voluntary, was not the condition upon which the prison-doors were opened.

I accepted, however, the explanation given to you by the home secretary and communicated to me, in the cases then in question, without further pressing my inquiry; and I only refer to that correspondence again in order to bring your attention to the tenor of it in connection with other cases which have come to my knowledge, and which I have now to state to your lordship, with a like request that you will cause investigation to be made into the facts alleged, with a view to some decided measure being taken by Her Majesty's government to prevent the recurrence of a wrong, or the continuance of a practice most hurtful and disturbing to the friendly relations between Great Britain and the United States.

Information confidentially communicated to this legation and to the Government at Washington, not only leads again to the conclusion that a number of convicts have arrived at different times in New York, and perhaps other American ports, who have been discharged from British prisons on condition of their going to the United States, but a specific instance has been mentioned.

It is reported that a man, not a citizen of the United States, calling himself Bryan Fitzgerald, in prison in Dublin for some criminal offense, and having yet two years and three months of his term of sentence remaining, was on the 28th of July, 1870, released on condition that he should go to the United States, as he did. It is further alleged that he was sent or found his way to the State of Michigan, and that after some time he returned to Ireland, where he was arrested on the 5th of February, 1872, was recommitted as a returned ticket-of-leave man to serve the remainder of his term; that he was credited, however, with that portion of the two years and three months during which he remained in America, but an additional three months was added to his sentence for coming back within the term, and that he was finally discharged about the 1st of February last.

This is the statement furnished from an apparently authentic and reliable source. It is one which is capable of verification, or perhaps disproval, by reference to the records of the Irish court and prisons. To these only the authorities under Her

Majesty's government have access, and I invoke a proper search, that the result may be compared with this statement which has been produced.

But another and an official publication which has just been brought to my notice furnishes proof of an actual instance, if not of a system, on the part of the local authorities in this country, by which it is proposed to make of the United States a place of banishment or settlement for the convicts and paupers of Her Majesty's kingdoms.

I inclose herewith an extract made from the report of a meeting of the North Dublin Union, as published in the Dublin Evening Mail, of last Thursday, May 22. This meeting appears to have been held on the 21st instant, and to have been fully attended, and conducted by the guardians of the union, and presided over by Dr. Brady, a justice of the peace. In the minutes of their proceedings on that occasion is a statement that "a letter was read from the female superintendent of Mountjoy convict department, bringing before the guardians the case of a girl named Courtenay, whose mother is a convict at Mountjoy prison, and is about to leave for America, and requesting that they would vote a sum of money sufficient to provide her daughter, who is at present an inmate of the union work-house, with an outfit and a passage-ticket to accompany her mother to New York."

"On the motion of Mr. Aikins, the sum of £12 was voted for the purpose, subject to the approval of the local government board."

It appears fair to infer from this minute that not only was money appropriated by the guardians to fit out and convey to New York "an inmate of the union work-house," but that "a convict of Mountjoy prison" was, notwithstanding her close incarceration, encouraged under some official arrangement to make up her mind that she was "about to leave for America." It may be that this movement on her part is to be dependent upon the expiration of her term of imprisonment; or it may be that it is another case in which the discharge from imprisonment is to be conditional on the engagement of the prisoner to go. It will be in the power of Her Majesty's government, by investigation of the case, to ascertain for what crime or offense the woman was committed, and whether her term of imprisonment is ended. But however that may be, I must repeat my former protests against the sending out of either convicts or paupers from any part of Her Majesty's dominions into the territory of the United States; and express again my confidence that I have only to call your lordship's attention to any such procedure in order to insure a prompt investigation, and the adoption of measures for its prevention.

In this connection I beg leave to refer also to my note to your lordship on the 4th of October, 1871, in relation to the case of some pauper children who were about to be sent to the United States from Liverpool, and to the views then expressed. In that instance, through the intervention of the home department, or the president of the poor-law board, it was understood that the shipment of the class of persons then in question was abandoned.

I am sure that I shall need to use no argument to enforce the view taken by the Government of the United States in respect of such a mode of disposing of persons who are undergoing the penalty of their crimes, or who are unable to maintain themselves, and are liable to become a public charge. A very satisfactory and explicit statement of right in such cases is to be found in your lordship's note of the 1st of June last, addressed to Lord Lyons, in reference to the banishment of communists from a neighboring country. I find that your lordship then emphatically, and certainly with great justice, declared that "Her Majesty's government cannot consent that England should be made a penal settlement for France;" and "cannot assent to the deportation to this country of the class of persons in question, whether they are provided or not with means of subsistence."

As between free nations the rule and the reason should certainly be stronger when applied, not to political offenders, but to persons convicted of crimes against municipal law, not to those accidentally impoverished, while, perhaps, not at all bereft of the ability to gain a livelihood by their labor, but to such as have before been, and are, the actual helpless inmates of work-houses, and objects of charity at home.

I have, &c.,

ROBERT C. SCHENCK.

[Inclosure 3 in No. 472.]

Lord Granville to General Schenck.

FOREIGN OFFICE, June 2, 1873.

SIR: I have had the honor to receive your note of the 27th ultimo, relating to the alleged deportation of released convicts from this country to the United States, and I have lost no time in referring the matter to Her Majesty's secretary of state for the home department.

I have, &c.,

GRANVILLE.

[Inclosure 4 in No. 472.]

*Lord Granville to General Schenck.*FOREIGN OFFICE, *July 31, 1873.*

SIR: With reference to my note of the 2d ultimo as to the deportation of released convicts and paupers from this country to the United States, I have the honor to transmit to you herewith, for your information, a copy of a letter from the Irish government, with the accompanying reports from the Irish convict-prisons and local government board departments, upon this subject, which I have received from Her Majesty's secretary of state for the home department.

I have, &c.,

GRANVILLE.

[Inclosure 1 in 4 in No. 472.]

*Mr. Hartington to Mr. Liddell.*IRISH OFFICE, *July 12, 1873.*

SIR: Referring to your letter of the 6th ultimo, I am directed by the lord lieutenant to transmit to you, for the information of Mr. Secretary Bruce, copies of reports which have been received from the convict-prisons and local government board departments upon the alleged deportation of released convicts and of their families from Ireland to America, and to state that his excellency trusts that these explanations will be considered satisfactory. I am to add that Bryan Fitzgerald was ordered to be released on license by the late Sir Mazierre Brady, when acting as one of the lords justices of Ireland during the temporary absence of the lord lieutenant in July, 1870.

His excellency desires me to assure you that he would emphatically condemn and do all in his power to discountenance, any system, upon the part of the local authorities in Ireland, by which it is proposed to make the United States a place of banishment or settlement for paupers of the United Kingdom, and he has himself constantly refused to commute the sentence of convicts when they have applied for commutation on the ground that they wished to go to America.

His excellency will be prepared, upon the application of the American minister, to put a stop, as far as lies in his power, to the practice of affording emigration assistance to actual paupers; but he trusts the American minister will readily recognize the difficulty of preventing convicts released on license from leaving the country, especially if they have earned a sufficient gratuity by their labor and conduct to enable them to do so, and are actuated to emigrate by the praiseworthy motive of avoiding their former haunts and associates and beginning an honest career in a new country.

I am, &c.,

J. HARTINGTON.

[Inclosure 2 in 4 in No. 472.]

*Mr. Barlow to Mr. Burke.*GOVERNMENT PRISONS OFFICE,
Dublin Castle, June 17, 1873.

SIR: With reference to your memorandum of the 10th instant, on the letter of the Right Hon. Mr. Secretary Bruce, I beg to report as follows, with reference to extract from a dispatch from his excellency the United States minister forwarded therewith:

Bryan Fitzgerald was convicted in the county Kerry, in October, 1857, of burglary and larceny; he had been previously convicted, and was sentenced to fifteen years' penal servitude. A portion of this sentence was served at Spike Island prison, and in October, 1867, he was removed to Mountjoy male prison. On the 4th December, 1869, he was removed to Dundrum criminal lunatic asylum; from the asylum he was sent back to Mountjoy prison in February, 1870, and in July, 1870, he was released on license, the late Mr. P. J. Murray having certified that his conduct had been good for over two years, and the prisoner having served nearly three years over the usual period for a prisoner of his sentence.

If the information to which his excellency the American minister refers came from Bryan Fitzgerald, it should be received with the utmost caution, as his conduct since his release has proved him to be a designing and dangerous character.

I attach a copy of the license handed to Fitzgerald, from which it will appear that no such condition as Fitzgerald's leaving for America was made, nor could Fitzgerald have been forced to leave Ireland having such a document in his possession. I have

served fifteen years in the convict-service, and have never seen a license issued with the condition that the holder should proceed to the United States or to any other country.

Fitzgerald, on his license being granted, stated that he desired to go to America to join his father, who had emigrated some years back. The only color Fitzgerald or others could have for stating he was forced to proceed to America was the fact of his being seen on board the steamer. Every discharged prisoner embarking for a port of the United Kingdom or elsewhere is invariably seen on board by a prison officer.

When Fitzgerald returned to Ireland, and was, in February, 1872, recommitted, the magistrates dealt with him for not having reported himself on his return to Ireland; had Fitzgerald done so regularly, he could not have been arrested or interfered with in any way. As to the statement that he was credited with the portion of his sentence which he had passed in America, his excellency the American minister has been entirely misinformed, the law having been altered previous to Fitzgerald's return, and that portion of it ordering a prisoner to serve the unexpired portion repealed.

The magistrate had only the option of ordering him to complete his sentence from the date of his arrest, and to order an additional imprisonment not exceeding twelve months. I trust this explanation may prove satisfactory to his excellency the American minister. Perhaps it may not be out of place to add that the total number of convicts released in Ireland in the year ended December 31, 1872, both male and female, was 250; and I am aware that by far the greater portion are in Ireland, many of the others in England and Scotland.

With reference to Eliza Courtney's case, I beg to state that she was convicted of larceny in Dublin in 1867, and, having been generally well-conducted, she became eligible for release on license under the rules; and, according to the uniform practice of the Irish convict-service, she was not released on condition of going to America, and would have been released at the same time had she chosen to remain in the United Kingdom. Having been informed that the license was granted, she stated she would proceed to the United States, as she had means to do so, and requested to be allowed to write to the guardians of the North Dublin union to ask them if they would assist her to take with her her daughter, aged 17 years, an inmate of the union. I allowed her to do so, and it appears that the superintendent of the prison wrote herself for her. I beg to state distinctly that I have no power to pay for prisoners' passages to America, or to grant their release if they elect to proceed there. I cannot add to or diminish the gratuities they earn in the convict-prisons, and on their discharge on license it is not within the power of the government to prevent their emigrating if they think fit to do so.

You are doubtless aware that the lower class in this country, if they compass sufficient means, very frequently leave for America. Many of the convicts have relatives in America, who write to them, sending passage-tickets to enable them to join them on release, and at present there are cases where convicts have passage-warrants, but their release will not be granted until the regular periods at which they are entitled to it. The fact of a convict being on license does not prevent his leaving the United Kingdom any more than his license in no instance forces him to do so. I may add that, although every facility is given to convicts to memorialize Her Majesty's government for release, no memorials are considered by his excellency the lord lieutenant which appeal for remission of sentence on the ground that petitioners will leave the United Kingdom.

It should also be borne in mind that all convicts released on license before the expiration of their sentences earn such a remission by good conduct and industry, and are well able to earn their living honestly, and that the vast majority do so on release. None but really well-conducted convicts could earn a sufficient gratuity to enable them to leave the country, and so far from such persons being considered dangerous in this country, they readily obtain employment on their release.

I believe in the vast majority of cases they leave this country to avoid the evil companions and associations which in the first instance led them into crime, and that their doing so voluntarily is a very strong proof of their reformation.

It is not from any desire to withhold information that I have not referred to paupers leaving the country, but you are aware that I have no opportunities of knowing anything about such matters.

I have, &c.,

J. BARLOW.

[Inclosure 3 in 4 in No. 472.]

Mr. Banks to Mr. Burke.

LOCAL GOVERNMENT BOARD,
Dublin, June 26, 1873.

SIR: The local government board for Ireland return to you herewith the file of papers referred to them on the 19th instant, for any observations in regard to the case of

Eliza Courtney, referred to in a dispatch from the United States minister on the subject of the emigration of released convicts and paupers from this country to the United States, and also with reference to the protest of the United States minister against paupers being sent into the territory of the United States, and the board desire at the same time to submit, for the information of their excellencies the lords justices, the following observations: The circumstances connected with the emigration of Margaret Courtney (daughter of the convict Eliza Courtney) were these: The board of guardians of North Dublin union had before them, at their meeting on the 21st of May last, a communication from the superintendent of Mountjoy convict-prison, asking if the guardians would assist Margaret Courtney, an inmate of the work-house, to go to New York with her mother, and the guardians thereupon voted twelve pounds for the purpose, subject to the approval of the local government board; and the usual preliminary inquiries having been made as to health and other necessary particulars, and satisfactorily answered, the board gave their consent to the proposed expenditure.

The board are informed by Mr. Robinson, the inspector in charge of the union, that Margaret Courtney is about eighteen years of age, and has been in and out of the work-house for several years, and that the master of the work-house informed him that she had been generally well conducted, and had always borne a good moral character. She left the work-house for the purpose of emigrating with her mother on the 10th instant.

With reference to the objection expressed to paupers being sent into the territory of the United States, the board desire to observe that it very frequently occurs that persons who have emigrated to the United States send back passage-tickets or money to enable near relatives to join them; in some of these cases the relatives in question are inmates of work-houses in this country, in other cases they are not, but in each class of cases boards of guardians are in the habit of aiding in carrying out such arrangements, by either providing an outfit or paying for the passage of younger members of the family for whom funds had not been sent, and thus preventing the separation of families.

The amount expended out of the poor-rates during the year ended the 25th March last, under the sanction of the local government board and the late poor-law commissioners, in emigration, was £1,564 14s. 8d., being less than the amount expended in any year since 1862; and with this sum 581 persons were assisted to emigrate to the colonies and the United States.

A statement of the amount expended, and of the number of persons assisted to emigrate in each of the preceding twenty-two years, will be found at page 17 of the annual report of the poor-law commissioners for 1872.

The board were not previously aware that there was any objection to the emigration of well-conducted persons to the United States under circumstances such as those above described, and they have reason to believe that the judicious exercise of the power of the board of guardians to grant aid in such cases has often been of much advantage to poor persons. So far, however, as relates to actual paupers, the practice of affording assistance might cease without inconvenience or hardship. Assistance to persons not paupers to enable them to join relatives would probably not be objected to.

By order of the board.

B. BANKS.

No. 284.

Mr. Schenck to Mr. Fish.

No. 475.]

LEGATION OF THE UNITED STATES,
London, August 22, 1873. (Received September 4.)

SIR: Referring to my three several dispatches Nos. 398, 442, and 460, in relation to the overcharges that have been exacted here for the transmission of cable telegrams by the land lines in the United States leading to points west and south of New York, I have now the satisfaction to inform you that I have ascertained that some reduction is about to be made in those rates of which complaint has been so justly made.

The Anglo-American Company is about to issue, to take effect on the 1st of September, 1873, a new tariff, of which I have obtained and send you herewith a printed copy. You will see by this table that the additions to the four shillings per word, which were put on for that portion

of the service lying within the United States, are to be lowered, as follows:

That class of stations for which the additional charge has been three pence per word, is, after that date, to be two pence, being a reduction from 6.95, cents per word to 4.634 cents.

That class for which the additional charge has been nine pence per word is to be eight pence, being a reduction from 20.87 cents to 18.55 cents.

The additional charge of one shilling per word for Pensacola is to be ten pence, a reduction from 27.83 cents to 23.19 cents.

That class of stations for which the additional charge has been fifteen pence per word is to be ten pence, being a reduction from 34.785 cents to 23.19 cents.

And the two shillings additional per word for Oregon and Washington Territory is to be ten pence, a reduction from 55.66 cents to 23.19 cents; and the two shillings additional for all places in Florida (except Pensacola, Lake city, Saint Mark's, and Tallahassee) is to be eighteen pence, a reduction from 55.66 cents to 41.745 cents.

I have not agitated this subject, therefore, without a good result.

Other and further reductions will pretty certainly be made hereafter if business men will keep awake to their interests.

And if the Western Union Telegraph Company, as Mr. Orton claims, has not been a sharer in the profits of the excessive rates, he will doubtless rejoice with us and with the general public in this approach to fairer charges for the service performed by his lines.

I have, &c.,

ROBT. C. SCHENCK.

No. 285.

General Schenck to Mr. Fish.

No. 476.]

LEGATION OF THE UNITED STATES,
London, August 23, 1873. (Received September 9.)

SIR: In my No. 448 of the 16th ultimo, I gave you a full report of my conversation with Earl Granville in relation to the increase, without notice to traders, of the duties on rum and tobacco at British settlements on the Gold Coast of Africa. On that same day I sent him a note, communicating, as a succinct statement of the grievance complained of, an extract from the letter of Mr. Bartlett, of Boston, to the Secretary of the Treasury.

On the 29th of July Lord Granville replied, acknowledging the receipt of my note, and informing me that its contents had been communicated to the proper department of Her Majesty's government, and that he would have the pleasure on a future occasion of addressing me further on the subject.

I have since received from his lordship another note, dated the 13th instant, in which he states that the secretary of state for the colonies has requested the governor in chief of the West African settlements to report whether any remission should be made in the case of goods indented for before the passing of the ordinance increasing the duties. At the same time his lordship informs me, with regard to certain of Mr. Bartlett's allegations, that not only was the stipend which was formerly paid to the King of Ashantee not stopped upon the transfer of Elmina to the British government, but the King was informed by Mr. Pope

Hennessy that it would be doubled as an additional proof of friendship, and that no territory was purchased from the Dutch government, the only payment made to them being in respect of stores left behind in the forts.

I wait now, of course, and the question rests, until a report can be had through Her Majesty's colonial office from the coast of Africa. In the mean time, as I suggested to you in my No. 448, the trade to that quarter must be greatly affected or interrupted by other causes.

The war on the Gold Coast continues. The Ashantees appear to have overrun, and to hold possession of, nearly all the British territory, and that which has been occupied by Her Majesty's allies, the Fantees. The British forces are shut up in their fortified defenses at Elmina and in Cape Coast Castle. In these circumstances there can be, I should think, very little trade or communication with the natives in the interior of the country.

I am, &c.,

ROBT. C. SCHENCK.

[Inclosure 1 in No. 476.]

General Schenck to Earl Granville.

LEGATION OF THE UNITED STATES,

London, July 16, 1873.

MY LORD: Referring to our conversation last Monday, when I brought to your notice the disastrous losses likely to accrue to American traders to the British settlements on the Gold Coast from the late increase, without warning or notice, of the duties on rum and tobacco, I have thought it best to send you, as I do herewith, from among the papers relating to the subject and communicated to me, a copy of an extract from a letter of Mr. Bartlett, of Boston, addressed to the Secretary of the Treasury, at Washington, which presents succinctly the grievance against which relief is sought from Her Majesty's government.

I am, &c.,

ROBT. C. SCHENCK.

[Inclosure in 1 in No. 476.]

Extract from a letter from Mr. Bartlett, of Boston, to the Secretary of the Treasury, at Washington, June 5, 1873. (See Mr. Fish's 401 to General Schenck.)

* * * * *

I have a matter on the coast of Africa which, if carried out, would prove very disastrous.

The English government, some few years since, made a purchase from the Dutch, by exchange of territory and cash, of certain towns on the Gold Coast. During the last four months the Ashantees have been at war with the Fantees, living in the so-called English settlements, of which the object is to get a foothold in Elmina. Before the English got possession of Elmina and other towns the Dutch paid the King of Ashantee a certain annuity, but since the English have ruled they have stopped this subsidy, which is a part reason of the war.

In 1867 the English commenced agitating the duty and gave notice of a duty of 6d. per gallon on rum, to commence one year from notice. Last year they put on 1s. on rum and 1d. per pound on tobacco. Both were more than the natives could pay, and this last was done without notice. During the month of April, 1873, (this year,) the administrator, without any notice, called his council together and made the duty 2s. 6d. per gallon on rum, and on tobacco 6d. per pound, which is about 60 cents per gallon on rum and 12 cents per pound on tobacco.

At this time I had four vessels on the coast, with cargoes averaging nearly full, and have one here just ready to leave. This duty puts an embargo on the whole, and my grievances are, that if proper notice had been given, as is customary, I should not have been liable to this loss, which under the present duty will be disastrous.

* * * * *

[Inclosure 2 in No. 476.]

*Earl Granville to General Schenck.*FOREIGN OFFICE, *July 29, 1873.*

SIR: I have the honor to acknowledge the receipt of your note of the 16th instant, respecting the increase of the duties on rum and tobacco on the Gold Coast, and I beg leave to inform you in reply that its contents have been communicated to the proper department of Her Majesty's government, and that I shall have the pleasure, on a future occasion, of addressing you further on the subject-matter of your letter.

I am, &c.,

GRANVILLE.

[Inclosure 3 in No. 476.]

*Earl Granville to General Schenck.*FOREIGN OFFICE, *August 13, 1873.*

SIR: With reference to your note of the 16th ultimo, relative to the complaint by American traders on the Gold Coast of the losses which are likely to accrue to them from the recent increase of the duties on rum and tobacco, I have to acquaint you that Her Majesty's secretary of state for the colonies has requested the governor-in-chief of the West African settlement to report whether any remission should be made in the case of goods indented for before the passing of the ordinance increasing the duties.

With regard to certain allegations made by Mr. Bartlett in the letter which formed the inclosure to your note, I beg leave to inform you that not only was the stipend which was formerly paid to the King of Ashantee by the Dutch not stopped upon the transfer of Elmina to the British government, but the King was informed by Mr. Pope Hennessy that it would be doubled "as an additional proof of friendship," and that no territory was purchased from the Dutch government, the only payment made to them being in respect of stores left behind in the forts.

I am, &c.,

GRANVILLE.

No. 286.

Mr. Davis to General Schenck.

[Extract.]

No. 440.]

DEPARTMENT OF STATE,
Washington, September 2, 1873.

SIR: I have to acknowledge the receipt of your No. 472, of the 12th ultimo, accompanied by a copy of the correspondence between yourself and Lord Granville relating to the deportation of criminals and paupers from Great Britain to the United States, and especially to the cases of one Bryan Fitzgerald and the woman Courtney.

The replies of the British authorities are not satisfactory. Lord Granville's note of the 15th March, 1872, does not state that the convicts had completed their term of service, only that they were "discharged," which may have been for the purpose and on condition of their being sent to America.

It appears that Fitzgerald was accompanied on board the steamer from the prison by an officer thereof, and that the woman Courtney was not released until it was known that she would go to the United States, and the authorities interceded to obtain aid for her pauper daughter, then an inmate of the work-house, to accompany her, and the local board of Dublin avow their habit of aiding such persons to migrate to America.

* * * *

The Department approves the action taken by you in the matter, and your watchful observance of the acts referred to is commended. You are requested to continue your remonstrance (in case of any recurrence) in decided and emphatic terms. The regulations of British convict-service or poor-houses cannot be allowed to justify a violation of friendly obligations toward other powers.

I am, &c.,

J. C. B. DAVIS,
Acting Secretary.

No. 287.

General Schenck to Mr. Fish.

No. 483.]

LEGATION OF THE UNITED STATES,
London, September 13, 1873. (Received September 26.)

SIR: I have received a communication from the council of a British society, "the National Association for the Promotion of Social Science, with which is united the Society for Promoting the Amendment of the Law," informing me that the sum of £300 has been offered through that association for the best essay on the subject of a code of public international law. They invite competition for the prize from America, and to this end they request me to make the fact known to my Government with a view to publicity in the United States.

I send herewith, for such public notice as you may think proper to give, a copy of the letter addressed to me by the general secretary of the association, together with a copy of the conditions on which the prize is offered.

I will but add that the action of the society in question is well entitled to consideration, as the body is one of known high character and responsibility, not only in this kingdom, but throughout the world.

I am, &c.,

ROBT. C. SCHENCK.

[Inclosure 1 in No. 483.]

Mr. Ryalls to General Schenck.

NATIONAL ASSOCIATION FOR THE PROMOTION OF SOCIAL SCIENCE, WITH WHICH IS
UNITED THE SOCIETY FOR PROMOTING THE AMENDMENT OF THE LAW.

1 ADAM STREET, ADELPHIA, W. C., *September 2, 1873.*

SIR: I am directed by the council to inform you that the sum of £300 has been offered through this association for the best essay on the subject of a code of public international law, of which the inclosed are the conditions, and to request that you will kindly favor them by making the same known to your Government with a view to publicity in America.

I am, &c.,

C. W. RYALLS,
General Secretary.

[Inclosure 2 in No. 483.]

National Association for the Promotion of Social Science, with which is united the Society for Promoting the Amendment of the Law. 1 Adam street, Adelphia, London.

PRIZE ESSAY UPON INTERNATIONAL LAW.

His excellency Señor Don Arturo de Marcoartu, ex-deputy to the Cortes in Spain, has, through this association, munificently offered the sum of £300 for the best essay on the following subject :

“In what way ought an international assembly to be constituted for the formation of a code of public international law ; and what ought to be the leading principles on which such a code should be framed ?”

The following are the conditions of the prize :

I. Competitors to send in their essays on or before the 1st of June, 1874, under cover, with motto on the cover, and a sealed cover with the same motto, containing the name and address of the author.

II. The essay may be either in English, French, or German, and should have with it an index.

III. The adjudicators will be appointed by the executive committee of this association, and they will be selected so as to form a body having an international character. The decision will be by the written vote of a majority of the judges.

IV. If, in the opinion of the adjudicators, none of the essays are of sufficient value, the sum named will not be awarded, but the donor will offer the same prize of £300 for further competition.

V. The adjudicators shall have power to give one prize of £300 ; or two prizes, one of £200 and one of £100.

VI. The donor to be entitled to the copyright.

C. W. RYALLS,
General Secretary.

August 3, 1873.

No. 288.

General Schenck to Mr. Fish.

No. 496.]

LEGATION OF THE UNITED STATES,
London, October 4, 1873. (Received October 17.)

SIR : It is probable that you already have knowledge of a blockade of all that part of the Gold Coast which extends from Cape Coast Castle to the river Assinee, which appears to have been declared on the 1st day of September, by the British naval officer in command on the west coast of Africa. Official notice, however, of this declaration of blockade having been promulgated here last evening by Her Majesty's government, I have thought it better to transmit to you at once, extracted from the Gazette, a copy of it as thus published.

It may be of interest to Americans engaged in African trade to have notice of this proclamation from the State Department.

No communication on the subject has been made to me.

I am, &c.,

ROBT. C. SCHENCK.

[From the Times, Saturday, October 4, 1873.]

The Ashantee War.

OCTOBER 3.

The board of trade have received through the colonial office the following copy of an official notice by the senior naval officer on the west coast of Africa :

“I hereby declare that on the 29th day of August last the Gold Coast, from Cape

Coast Castle, in latitude 5.6 north, longitude 114 west, to the river Assinee, in latitude 5.8 north, longitude 3.23 west, was placed in a state of blockade by a competent force of Her Majesty ships, and is now in such state of blockade, and that all measures authorized by the law of nations and the respective treaties between Her Majesty and the different neutral powers will be enforced on behalf of Her Majesty against all vessels which may attempt to violate the blockade.

"Given on board Her Majesty's ship *Barracouta*, at Cape Coast Roads, this 1st day of September, 1873.

"E. R. FREMANTLE,
"Captain, &c."

No. 289.

Mr. Schenck to Mr. Fish.

No. 504.]

LEGATION OF THE UNITED STATES,

London, October 15, 1873. (Received October 31.)

SIR: In conversation with Lord Tenterden yesterday at the foreign office, in the absence of Lord Granville, I adverted to the subject of a consular convention, and asked him if they were pursuing the subject as we hoped. I reminded him of our expectation that Her Majesty's government would be prepared as soon as possible to submit a counter-projet.

Lord Tenterden repeated what Lord Granville had told me, that they were considering the matter and having conference with the proper departments. He said that, having the business in hand himself, no time should be lost in bringing it forward as soon as practicable. It would be necessary, he remarked, as I had before been informed, that some legislation should be obtained before a convention could be negotiated and concluded, which would involve questions or settle terms relating to any exercise of powers or jurisdiction within British territory; but under a late act of Parliament, extending the authority of the government under the merchant shipping acts, it was possible something might be soon done or agreed on in relation particularly to the arrest of deserting sailors.

Lord Tenterden assured me that, as soon as this government could be prepared to submit any proposal for consideration, it should be communicated to me.

Since that interview I have obtained and send you herewith a copy of the new act of Parliament referred to. I find nothing in it touching matters or questions to be mutually adjusted, except what is contained in the 11th section—the power given to Her Majesty to apply, by order in council, to the ships of any foreign state desirous of such advantage, the provisions of her own merchant shipping acts "relating to the engagement and discharge of seamen." And this is to be allowed only subject to the pleasure of Her Majesty "to add to, alter, or repeal" such order when made. But I think I am not mistaken in supposing that what is wanted by the Government of the United States is, not a privilege under British law, to be given or withdrawn at the discretion of Her Majesty's government, but a convention binding equally on both parties, and settling on a basis of perfect reciprocity the rights to be enjoyed and exercised in the ports and places of each other's territory respectively.

I have, &c.,

ROBT. C. SCHENCK.

No. 290.

Mr. Fish to General Schenck.

No. 476.]

DEPARTMENT OF STATE,
Washington, November 8, 1873.

SIR: Referring to the case of Albert Allen Gardner, master of the American ship *Anna Camp*, tried in the county court at Liverpool, in May last, copies of certain papers relating to which were forwarded to you by General Badeau, I desire to call your attention to the claim of jurisdiction put forth by the local common-law courts of Great Britain in this and other similar cases.

It seems to be claimed by the courts in question that their jurisdiction extends to the hearing and determining of causes arising upon complaints between masters and mariners of vessels of the United States, not only when the occurrences upon which the complaint may be founded took place within British ports or waters, but also when the offense which is made the ground of action was committed on board the vessel on the high seas.

The exercise of this jurisdiction by the local common-law courts at Liverpool has already been the cause of much annoyance and, in some instances, serious inconvenience to masters and owners of American vessels, and if persisted in may affect injuriously the interests of American shipping.

The courts of the United States, even those possessing admiralty jurisdiction, have repeatedly declined to take cognizance of cases of this nature when the parties to the action were seamen and masters of foreign vessels. The reasons assigned by the courts of the United States for refusing to entertain jurisdiction of such cases are believed to be in accord with the general practice of other maritime powers and supported by the principles of international maritime law, as understood and interpreted by the highest judicial authority of maritime nations.

In a case of controversy between the crew and the master of the British ship *Reliance*, sought to be prosecuted before the district court of the United States in the city of New York, the master and crew in question being British subjects, the court, in declining to entertain the case, says: "The admiralty courts of the United States will decline jurisdiction of controversies arising between foreign masters and owners unless the voyage has been broken up or the seamen unlawfully discharged. It is expected," continues the same judge, "that a foreign seaman seeking to prosecute an action of this description in the courts of this country will procure the official sanction of the commercial or political representative of the country to which he belongs, or that good reasons will be shown for allowing his suit in the absence of such refusal. This court," adds the learned judge, "has repeatedly discountenanced actions by foreign seamen against foreign vessels not terminating their voyages at this port as being calculated to embarrass commercial transactions and relations between this country and others in friendly relations with it."

The justice and wisdom of those observations of the court will be at once obvious. The laws of the United States, and the instructions of this Department to its consular officers resident in foreign countries, provide with more than ordinary care for the adjustment of all questions of controversy which may arise between the masters and crews of American vessels growing out of the relations of such masters and seamen on board the vessel while on the high seas or in the ports of foreign

powers; and where offenses are committed by either master or mariner, or other questions of dispute between them arise which are beyond the province of the consul to determine, ample provision is made by law for the trial and punishment of such offenses and the settlement of those questions by the courts of the United States. These provisions of the law and consular regulations of this country are believed, moreover, to be in general harmony with existing laws and regulations of Great Britain on this subject.

This Department, as you are aware, has repeatedly brought to the attention of Her Majesty's government the necessity of a consular convention between the two countries, the existence of which would do much to obviate in future occurrences such as that now complained of. It is not designed in this connection to renew any discussion of that subject now, as you are fully informed that this Government is now, as it has been heretofore, ready to enter into a convention on that subject.

You will avail yourself of the earliest opportunity to bring the question involved in the case of Captain Gardner to the attention of Her Majesty's government, with the expression of the hope indulged by the Government of the United States that measures will be adopted to prevent in future the exercise of jurisdiction by the local common-law courts of Great Britain in controversies arising between the masters and seamen of vessels of the United States growing out of occurrences on board their vessels on the high seas.

I am, &c.,

HAMILTON FISH.

No. 291.

General Schenck to Mr. Fish.

No. 534.]

LEGATION OF THE UNITED STATES,
London, December 12, 1873. (Received December 27.)

SIR: Referring to the correspondence which was communicated to you in my No. 453, relating to the privileges to be extended by Her Majesty's government or certain of her colonial governments to the expedition to be sent next year from the United States for the purpose of observing the transit of Venus, I have now to transmit to you a copy of another note received from Lord Granville on that subject. His lordship writes to inform me that there has been communicated to him from the secretary of state for the colonies a memorandum from the governor of Tasmania, stating that instructions will be given for the admission free of duty and wharfage of all instruments, &c., to be used by the expedition, and that a suitable site will be assigned for making the observations.

You will doubtless desire to have this information to convey to the Secretary of the Navy.

I am, &c.,

ROBT. C. SCHENCK.

[Inclosure in No. 534.]

Lord Granville to General Schenck.

FOREIGN OFFICE, December 8, 1873.

SIR: With reference to my note of the 25th of June last, I have the honor to acquaint you that the secretary of state for the colonies has communicated to me a memorandum received from the governor of Tasmania, stating that instructions will

be given for the admission free of duty and wharfage of all instruments, &c., to be used by the expedition from the United States which will visit Hobart Town for the purpose of observing the transit of Venus next year, and that a suitable site for making the observations will be placed at the disposal of the expedition.

I am, &c.,

GRANVILLE.

No. 292.

General Schenck to Mr. Fish.

No. 552.]

LEGATION OF THE UNITED STATES,
London, January 24, 1874. (Received February 6.)

SIR: Parliament is about to be dissolved. The formal act of dissolution will take place, it is expected, on the 27th instant. This movement has taken the country and all parties by surprise. It was generally expected that the present Parliament would continue through another session, which was to begin on the 5th of February, and that probably at the close of that session its dissolution would be announced and a general election ordered. Now there will be a general election, I presume, next month, and the new Parliament may meet perhaps as early as in March. Mr. Gladstone's address to his Greenwich constituency, which appears in this morning's journals, is the first intimation given to the public of the decision of the government to appeal at once to the electors.

It is impossible to predict with any strong degree of confidence what will be the result of a general election.

* * * * *

The contest will be active and bitter, especially on the part of the conservatives or tory party, who have been encouraged greatly by their repeated successes in single and casual elections held to fill vacancies.

The telegraph will, of course, have given you immediate intelligence of this event in British politics, but I have thought it might be interesting to you to receive what I send you by to-day's mail, a copy of the full text of Mr. Gladstone's address to the Greenwich electors, and the comments with which the sudden movement has been received by the leading newspapers of London.

I am, &c.,

ROBT. C. SCHENCK.

No. 293.

General Schenck to Mr. Fish.

No. 553.]

LEGATION OF THE UNITED STATES,
London, January 26, 1874. (Received February 16.)

SIR: Having sent you on Saturday, with an account of the dissolution of Parliament, Mr. Gladstone's address to his constituents, I have thought it might interest you to have also, as a pendant to that, and in a form to be preserved, the counter-address issued to his constituents by Mr. Disraeli, the leader of the opposition to the government. I inclose it accordingly. It is not to be presumed that the questions of either local or national policy which may just now enter into a general election in

Great Britain will be regarded with any great degree of concern in the United States; but still it may be well to keep a note of the issues—more or less clearly defined—which are involved in the present strife of parties in this kingdom.

I have, &c.,

ROBT. C. SCHENCK.

[Inclosure.]

[Extract from the Times, Monday, January 26, 1874.]

THE GENERAL ELECTION.

Mr. Disraeli has issued the following address to the electors of the county of Buckingham :

" Gentlemen : Mr. Gladstone has informed the electors of Greenwich that Her Majesty has been advised by her ministers to dissolve the present Parliament.

" Whether this step has been taken as a means of avoiding the humbling confession by the prime minister that he has, in a fresh violation of constitutional law, persisted in retaining for several months a seat to which he was no longer entitled, or has been resorted to by his government in order to postpone or evade a day of reckoning for a war carried on without communication with Parliament, and the expenditure for which Parliament has not sanctioned, it is unnecessary at present to consider. It is sufficient to point out that if, under any circumstances, the course, altogether unprecedented, of calling together Parliament by special summons for the dispatch of business and then dissolving it before its meeting, could be justified, there is in the present case no reason whatever suggested why this was not done six weeks ago, and why the period of the year usually devoted to business before Easter, which must now be wasted, should not thus have been saved.

" Gentlemen, I appeal to you again for the continuance of that confidence which you have extended to me on nine different occasions, running over a period longer than a generation of men.

" The prime minister has addressed to his constituents a prolix narrative, in which he mentions many of the questions that have occupied or may occupy public attention, but in which I find nothing definite as to the policy he would pursue, except this, that having the prospect of a large surplus, he will, if retained in power, devote that surplus, to the remission of taxation, which would be the course of any party or any ministry. But what is remarkable in his proposals is that, on the one hand, they are accompanied by the disquieting information that the surplus, in order to make it adequate, must be enlarged by an adjustment, which must mean an increase of existing taxes, and that, on the other hand, his principal measures of relief will be the diminution of local taxation and the abolition of the income-tax—measures which the conservative party have always favored and which the prime minister and his friends have always opposed.

" Gentlemen, I have ever endeavored, and if returned to Parliament, I shall, whether in or out of office, continue to endeavor to propose or support all measures calculated to improve the condition of the people of this kingdom. But I do not think this great end is advanced by incessant and harassing legislation. The English people are governed by their customs as much as by their laws, and there is nothing they more dislike than unnecessary restraint and meddling interference in their affairs. Generally speaking, I should say of the administration of the last five years that it would have been better for us all if there had been a little more energy in our foreign policy and a little less in our domestic legislation.

" By an act of folly or of ignorance rarely equaled, the present ministry relinquished a treaty which secured us the freedom of the Straits of Malacca for our trade with China and Japan, and they, at the same time, entering on the west coast of Africa into those 'equivocal and entangling engagements' which the prime minister now deprecates, involved us in the Ashantee war. The honor of the country now requires that we should prosecute that war with the vigor necessary to insure success; but when that honor is vindicated, it will be the duty of Parliament to inquire by what means we were led into a costly and destructive contest which neither Parliament nor the country has ever sanctioned, and of the necessity or justice of which, in its origin, they have not been made aware.

" The question of a further reform of the House of Commons is again suggested by the prime minister. I think unwisely. The argument for extending to the counties the household franchise of the towns on the ground of the existing system, being anomalous, is itself fallacious.

"There has always been a difference between the franchises of the two divisions of the country, and no one has argued more strongly than the present prime minister against the contemplated identity of suffrage. The conservative party view this question without prejudice. They have proved that they are not afraid of popular rights. But the late reform act was a large measure, which, in conjunction with the ballot, has scarcely been tested by experience, and they will hesitate before they will sanction further legislation which will inevitably involve, among other considerable changes, the disfranchisement of at least all boroughs in the kingdom comprising less than 40,000 inhabitants.

"Gentlemen, the impending general election is one of no mean importance for the future character of this kingdom. There is reason to hope, from the address of the prime minister, putting aside some ominous suggestions which it contains as to the expediency of a local and subordinate legislature, that he is not, certainly at present, opposed to our national institutions or to the maintenance of the integrity of the empire. But, unfortunately, among his adherents some assail the monarchy; others impugn the independence of the House of Lords, while there are those who would relieve Parliament altogether from any share in the government of one portion of the United Kingdom. Others, again, urge him to pursue his peculiar policy by disestablishing the Anglican as he has despoiled the Irish Church, while trusted colleagues in his cabinet openly concur with them in their desire altogether to thrust religion from the place which it ought to occupy in national education.

"These, gentlemen, are solemn issues, and the impending general elections must decide them. Their solution must be arrived at when Europe is more deeply stirred than at any period since the Reformation, and when the cause of civil liberty and religious freedom mainly depends upon the strength and stability of England. I ask you to return me to the House of Commons to resist every proposal which may impair that strength and to support by every means her imperial sway.

"B. DISRAELI.

"HUGHENDEN MANOR, *January 24.*"

No. 294.

Mr. Fish to General Schenck.

No. 524.]

DEPARTMENT OF STATE,

Washington, February 4, 1874.

SIR: I inclose extracts from the material parts of a dispatch of the 6th of November last addressed to this Department by Mr. Vidal, the intelligent consul of the United States at Tripoli. A copy of the accompaniments to the dispatch is also inclosed.* As these papers seem to show that the African slave-trade has, until recently, at least, been carried on by the way of Malta and Constantinople, and that British authorities at the former island have not been as zealous in checking it as the policy of their government upon the subject may be supposed to require, it is deemed advisable that the subject should be brought to the notice of Earl Granville, in order that the necessary measures may be adopted toward causing that policy to be duly respected at Malta.

I am, &c.,

HAMILTON FISH.

No. 295.

General Schenck to Mr. Fish.

No. 558.]

LEGATION OF THE UNITED STATES,

London, February 5, 1874. (Received February 20.)

SIR: With reference to your No. 384 and my No. 453, respecting the establishment by the United States Government of stations in New

* For this correspondence see Barbary States.

Zealand for the observation of the transit of Venus, I have the honor to forward to you herewith a copy of a letter and its inclosures which I have just received from Lord Granville, showing that the government of New Zealand will permit all instruments required for the observation to be admitted duty free.

I am, &c.,

ROBT. C. SCHENCK.

[Inclosure.]

Lord Granville to General Schenck.

FOREIGN OFFICE, *February 2, 1874.*

SIR: With reference to your letter of the 7th of June last, respecting the establishment by your Government of stations in New Zealand for the observation of the transit of Venus, I have the honor to transmit to you herewith, for your information, copy of a letter and of its inclosures which I have received from the secretary of state for the colonies on this subject.

I am, &c.,

GRANVILLE.

[Inclosure 1 in inclosure in No. 558.]

Sir H. T. Holland to foreign office.

DOWNING STREET, *January 27, 1874.*

SIR: With reference to the letter from this office of 10th of July last and to previous correspondence respecting the application of the United States Government for permission to establish stations in Tasmania and New Zealand for the observation of the transit of Venus, I am directed by the Earl of Kimberley to transmit to you, for the information of Earl Granville, a copy of a dispatch from the governor of New Zealand, stating that the instruments required for the observation will be admitted free of duty.

I am, &c.,

H. T. HOLLAND.

[Inclosure 2 in inclosure in No. 558.]

Governor of New Zealand to Lord Kimberley.

No. 86.]

GOVERNMENT HOUSE,
WELLINGTON, NEW ZEALAND, *November 6, 1873.*

MY LORD: With reference to your dispatch No. 47, of 11th July, 1873, transmitting copies of correspondence with the foreign office respecting the proposed establishment by the United States of stations in New Zealand for the observation of the transit of Venus, I have the honor to inform you that my government gladly comply with the request of General Schenck that the instruments required for the observation should be admitted into the colony free of duty, and that all government officers have been directed to afford the expedition any assistance in their power.

I am, &c.,

JAMES FURGUSSON,
Governor.

No. 296.

General Schenck to Mr. Fish.

No. 561.]

LEGATION OF THE UNITED STATES,
London, February 10, 1874. (Received February. 28.)

SIR: The negotiation—or rather promise of negotiation—of a consular convention drags slowly.

My last communication to you on the subject was my No. 504, on the 15th. of October last. Since then the almost continual absence of mem-

bers of the government from London may give some explanation of the delay; but no counter-*projet* or proposal in any shape has been submitted to me, and yet I have not failed to give reminder whenever opportunity has offered.

Yesterday I called formally again at the foreign office to bring the matter up. I desired, in anticipation of a change of ministry soon, to ascertain, if I could, with what temper and disposition my reasonable urgency on this subject was to be treated still by the present government, or whether it was to be left over to their successors.

I found only at the office Lord Tenterden, the permanent under secretary. He could but promise that he would bring my mention of the subject again to the attention of Lord Granville, who is in the country, at Walmer Castle. He would only say himself that the matter was now "in a forward state;" that it had been before the board of trade and considered by them; that much material was prepared and points were ready to be settled; that on these the law-officers of the Crown would have to be consulted; and, finally, that there might in a short time be sent to me a proposal for an agreement, not answering to all the details contained in the *projet* presented by Mr. Motley, but covering as much ground as they were authorized to under the existing acts of Parliament.

Lord Tenterden was of course silent as to the question how far this promise of an early communication might fail from a change of ministers.

My own conviction is that the whole negotiation is now to be remitted to a new government.

I have, &c.,

ROBT. C. SCHENCK.

No. 297.

General Schenck to Mr. Fish.

No. 569.]

LEGATION OF THE UNITED STATES,
London, February 18, 1874. (Received March 9.)

SIR: In my No. 552, on the 24th of last month, I announced to you the sudden dissolution of Parliament and an impending general election for Great Britain and Ireland.

I have now to inform you that the last poll took place yesterday, and the returns from all the counties, boroughs, and universities foot up a clear majority of not less than fifty for the conservative party.

I may be excused for having predicted a somewhat different result, inasmuch as this overwhelming overthrow of the liberal party has been a surprise even to their successful opponents. Until the elections had proceeded for several days, with almost uninterrupted and steady gains to the conservatives, they did not themselves hope to do more than greatly reduce the majority of Mr. Gladstone's supporters.

A change of ministry of course follows, the only question for several days having been whether the present cabinet would decide to await the meeting and an adverse vote of Parliament before going out, or would offer to surrender the government at once. Yesterday that point was settled. Mr. Gladstone proceeded to Windsor, where the Queen had just arrived, and tendered to Her Majesty the resignations of himself and his colleagues, and to-day Mr. Disraeli has received her command to form a new ministry.

Besides the premiership to Mr. Disraeli, it seems to be quite settled that the place of principal secretary for foreign affairs will be confided to Lord Derby. But though it is pretty generally understood that places will be assigned to a number of other gentlemen, whose names are mentioned, yet the actual cast of parts will not probably be completed for several days. It is useless to speculate on what the full arrangement may be. The telegraph will have given it all to you before this can reach Washington; and next week Mr. Moran, in my absence, will probably be able to furnish you in a dispatch a formal and official list.

I will content myself now, without indulging in any speculation on the causes that may have helped to bring about this change of government, by saying only that there does not appear to be any reason for supposing that it is likely to produce any alteration in policy or disposition toward the United States.

I am, &c.,

ROBT. C. SCHENCK.

No. 298.

Mr. Moran to Mr. Fish.

No. 452.]

LEGATION OF THE UNITED STATES,
London, February 25, 1874. (Received March 11.)

SIR: General Schenck, in his No. 569, of the 18th instant, reported to you the resignation of the Gladstone ministry and the formation of a new government by Mr. Disraeli. The majority of the new ministers received their seals of office at Windsor on Saturday, the 21st instant, and with few exceptions the cabinet offices were filled up that day. There has been the usual delay in selecting persons for the minor offices, such as the under-secretaryships, but this work will soon be accomplished and the organization be completed in all its parts.

The following are the names of the members of the new cabinet so far as at present known: Mr. Disraeli, first lord of the treasury; Lord Cairns, lord chancellor; Duke of Richmond, lord president of council; Lord Malmesbury, lord privy seal; Lord Derby, foreign affairs; Lord Salisbury, India; Lord Carnarvon, the colonies; Mr. Gathorne Hardy, war; Mr. R. A. Cruss, home; Mr. Ward Hunt, admiralty; Sir Stafford Northcote, chancellor of exchequer; Lord John Manners, postmaster-general.

On the 21st instant, Lord Granville communicated the fact of his resignation of the office of principal secretary of state for foreign affairs to the legation in a note addressed to General Schenck, and the same day Lord Derby announced his accession to that post. I inclose copies of these letters and of my replies dated the 22d instant.

In accordance with the invitation in Lord Derby's note of Saturday, he formally received the heads of the various embassies and legations now in London, at the foreign office at 3 p. m. yesterday. My interview was of short duration, and his lordship was courteous and friendly. I told him that I had no special business to bring to his notice. The only thing in my mind was a report which you had sent to General Schenck, from the consul of the United States at Tripoli, about the slave-trade which has, until recently at least, been carried on between that place and the Levant ports of Turkey and Egypt via Malta.

I stated that General Schenck had brought this to Lord Granville's notice informally in July last. His lordship expressed surprise at the existence of such a traffic; but said that he would be glad to receive any information on the subject I might be pleased to communicate to him.

He described the civil government of Malta as being in a measure locally independent, and the island as being merely a military station; but promised to look into the matter after receiving a note from me in regard to it.

* * * * *

I am, &c.,

BENJAMIN MORAN.

[Inclosure 1 in No. 452.]

Earl Granville to General Schenck.

FOREIGN OFFICE, *February 21, 1874.*

SIR: I have the honor to inform you that the Queen has been graciously pleased to accept my resignation of the office of Her Majesty's principal secretary of state for foreign affairs, and to confer the seals of that department upon the Earl of Derby.

I have, &c.,

GRANVILLE.

[Inclosure 2 in No. 452.]

Mr. Moran to Earl Granville.

LEGATION OF THE UNITED STATES,
London, February 22, 1874.

MY LORD: In the absence of his excellency General Schenck, who sailed from Liverpool yesterday for the United States, on leave for three months, I have the honor to acknowledge the receipt of your lordship's note of the 21st instant, announcing that the Queen has been graciously pleased to accept your resignation of the office of Her Majesty's principal secretary of state for foreign affairs, and to confer the seals of that department upon the Earl of Derby.

At this moment, in closing the term of official intercourse which I as the occasional head of this legation during the last three years and upward have had the honor to hold with your lordship, I cannot withhold the expression of my high sense of the friendship, promptness, and courtesy by which that intercourse on your part has been uniformly distinguished. And I feel sure that General Schenck would express the same sense of your lordship's urbanity were he here to acknowledge the receipt of your above-mentioned note.

I have, &c.,

BENJAMIN MORAN.

[Inclosure 3 in No. 452.]

The Earl of Derby to General Schenck.

FOREIGN OFFICE, *February 21, 1874.*

SIR: I have the honor to acquaint you that the Queen has been graciously pleased to accept Lord Granville's resignation of the office of Her Majesty's principal secretary of state for foreign affairs, and to confide to me the seals of that department.

I shall be happy to receive you at this office on Tuesday the 24th instant, at 3 o'clock, in order to confer with you on any business upon which you may have received instructions from your Government.

I have, &c.,

DERBY.

[Inclosure 4 in No. 452.]

*Mr. Moran to the Earl of Derby.*LEGATION OF THE UNITED STATES,
London, February 22, 1874.

MY LORD: In the absence of his excellency General Schenck, who left Liverpool yesterday for the United States, to be away three months, I have the honor to acknowledge the receipt of your lordship's note to him of the 21st instant, stating that the Queen has been graciously pleased to accept Lord Granville's resignation of the office of Her Majesty's principal secretary of state for foreign affairs, and to confide the seals of that department to your lordship.

To this communication is appended an intimation that your lordship will be ready to receive General Schenck at the foreign office on Tuesday the 24th instant, at 3 o'clock, in order to confer with him on any business upon which he may have received instructions from his Government.

As chargé d'affaires *ad int.* in the absence of his excellency General Schenck, I beg to offer my felicitations upon this act of Her Majesty, and to express the readiness with which I shall be prepared to meet your lordship at the time and for the purpose designated.

I have, &c.,

BENJAMIN MORAN.

No. 299.

Mr. Moran to Mr. Fish.

[Extract.]

No. 460.]

LEGATION OF THE UNITED STATES,
London, March 7, 1874. (Received March 20.)

SIR: The first session of the ninth Parliament of Queen Victoria was opened on the 5th instant by commissioners, consisting of the Lord Chancellor, the Duke of Richmond, Earl Beauchamp, the Marquis of Hertford, and the Earl of Bradford. The principal business transacted was the election of the speaker of the House of Commons, and the swearing in of members of both houses of Parliament. The Right Honorable Henry Brand was re-elected to the speaker's chair without opposition, his proposer being Mr. H. Chaplin, the conservative member for Mid-Lincolnshire, and his seconder Lord George Cavendish, the liberal member for North Derbyshire. The proceedings were conducted with great dignity, and the speeches (copies of which I inclose, taken from the Times of the 6th instant) were much to the point.

Yesterday this election was formally approved and confirmed in the House of Peers by the lords commissioners on behalf of the Queen, and the organization of both branches of the legislature was completed. But it is understood that Her Majesty's speech will not be delivered for a fortnight, as the necessary re-elections of the members of the government in the House of Commons cannot all take place at an earlier period. The new writs will not be issued till Monday or Tuesday next, the 9th or 10th instant, and the actual business of Parliament will probably not commence before the 19th or 20th of this month.

The absence at the election of the speaker of Mr. Disraeli, Sir Stafford Northcote, Mr. Ward Hunt, Mr. Gathorne Hardy, and others who will be the new occupants of the treasury benches in the House of Commons, was noticeable; but their non-presence was owing to the fact that they cannot take their places until they shall have been re-elected.

* * * * *

I have, &c.,

BENJAMIN MORAN.

No. 300.

Mr. Moran to Mr. Fish.

[Extract.]

No. 465.]

LEGATION OF THE UNITED STATES,
London, March 21, 1874. (Received April 4.)

SIR: The new Parliament was opened by royal commissioners, for the dispatch of business, on Thursday, the 19th instant; and I have the honor to forward herewith two official copies of Her Majesty's speech, which was read on that occasion by the lord chancellor.

It is the shortest address of its kind ever delivered to Parliament, and contains but little of special interest to the United States. Her Majesty declares briefly that her relations with all foreign powers continue to be most friendly.

Addresses were moved in both houses in response to the speech, and the debate was continued in the House of Commons to a late hour last night, the Irish home-rulers having proposed an amendment in their own interest, which was however rejected by a very decided majority. Mr. Gladstone's speech on the purposes of this new party in British politics is worthy of your attention. * * *

I am, &c.,

BENJAMIN MORAN.

[Inclosure.]

MY LORDS AND GENTLEMEN: I recur to your advice at the earliest period permitted by the arrangements consequent on the retirement of the late administration.

My relations with all foreign powers continue to be most friendly. I shall not fail to exercise the influence arising from these cordial relations for the maintenance of European peace and the faithful observance of international obligations.

The marriage of my son, the Duke of Edinburgh, with the Grand Duchess Marie Alexandrowna of Russia, is at once a source of happiness to myself and a pledge of friendship between two great empires.

The war with the King of Ashantee has terminated in the capture and destruction of his capital, and in negotiations which I trust may lead to a more satisfactory condition of affairs than has hitherto prevailed on the west coast of Africa.

The courage, discipline, and endurance displayed by my forces, both of the land and sea service, together with the energy and skill evinced in the conduct of the expedition, have brilliantly maintained, under the most trying circumstances, the traditional reputation of the British arms.

I deeply regret that the drought of last summer has affected the most populous provinces of my Indian Empire, and has produced extreme scarcity, in some parts amounting to actual famine, over an area inhabited by many millions. I have directed the governor-general of India to spare no cost in striving to mitigate this terrible calamity.

Gentlemen of the House of Commons: The estimates for the expenditure of the coming financial year will be forthwith submitted to you.

My Lords and Gentlemen: The delay and expense attending the transfer of land in England have long been felt to be a reproach to our system of law, and a serious obstacle to dealings in real property. This subject has, in former sessions, occupied the attention of Parliament, and I trust that the measures which will now be submitted for your consideration will be found calculated to remove much of the evil of which complaint has been made.

You will probably be of opinion that the re-arrangement of the judicature, and the blending of the administration of law and equity, which were effected for England by the enactment of last session, ought, on the same principles, to be extended to Ireland, and you will be asked to devote some part of your time to the accomplishment of this object.

The greater part of these changes would be inapplicable to the tribunals of Scotland; but you will be invited, as to that part of my kingdom, to consider the most satisfactory mode of bringing the procedure upon appeals into harmony with recent legislation, and, among other measures relating to her special interests, a bill for amending the law relating to land-rights and for facilitating the transfer of land will be laid before you.

Serious differences have arisen and remonstrances been made by large classes of the community as to the working of the recent act of Parliament affecting the relationship of master and servant, of the act of 1871, which deals with offenses connected with trade, and of the law of conspiracy, more especially as connected with these offenses. On these subjects I am desirous that, before attempting any fresh legislation, you should be in possession of all material facts, and of the precise questions in controversy, and for this purpose I have issued a royal commission to inquire into the state and working of the present law with a view to its early amendment, if it should be found necessary.

A bill will be introduced dealing with such parts of the acts regulating the sale of intoxicating liquors as have given rise to complaints which appear to deserve the interference of Parliament.

Your attention will also be directed to the laws affecting friendly and provident societies.

All these matters will require your grave consideration, and I pray that the Almighty may guide your deliberations for the welfare of my realm.

No. 301.

Mr. Moran to Mr. Fish.

No. 473.]

LEGATION OF THE UNITED STATES,
London, March 31, 1874. (Received April 20.)

SIR: With reference to your No. 524 to General Schenck, and to your No. 452, I have the honor to inclose herewith copies of a note which I addressed to Lord Derby on the 17th instant, in regard to the slave-trade which it is alleged has been, until recently at least, carried on between Tripoli and Constantinople via Malta, and of his reply dated the 26th instant.

It will be observed that his lordship has promptly communicated with the secretary of state for the colonies on the subject of this traffic with a view to the institution at an early day of searching inquiries into the matter at Malta, and that he promises so soon as the result of that investigation is known to communicate further with this legation about the alleged indifference of the authorities at that place in regard to this trade.

Lord Derby says that I have called his attention to the alleged neglect of the authorities at Malta to check the conveyance of slaves on board British vessels from Tripoli to Constantinople; but this is an error which I shall correct when I receive his lordship's further communication on the subject. The depositions which I sent to him describe the steamers as Ottoman vessels, and my letter makes no reference to their nationality.

I contented myself by directing notice to the sanction which the trade had received at Malta, and did not touch upon the character of the ships engaged in it.

I have, &c.,

BENJAMIN MORAN.

[Inclosure 1 in No. 473.]

Mr. Moran to Earl Derby.

LEGATION OF THE UNITED STATES,
London, March 17, 1874.

MY LORD: Referring to the brief conversation which I had with your lordship at the foreign office on the 24th ultimo, I have now the honor to send herewith for your information copies of a couple of depositions made by servants of the consul of the

United States at Tripoli in regard to the sanction which, it would appear, has recently been given to the slave-trade between Tripoli and Turkey by the police authorities at Malta, and I add a copy of a letter to Mr. Vidal from Sahmi Pasha, dated the 21st of October last, showing that the Turkish government have lately taken energetic steps to suppress this traffic.

In July, 1873, General Schenck brought to Lord Granville's notice, unofficially, the existence at that time of a slave-trade carried on between Tripoli and the Levant ports in Egypt and Turkey via Malta; and his lordship expressed the desire of Her Majesty's government to put an end to such traffic, saying that they were glad to know of any supposed evasions of British law, or any lack of vigilance at Malta that might interfere with any discovery or suppression of the practice on the part of illicit traders.

The depositions herewith would seem to establish the fact that the British authorities at the place named have not been as zealous in checking this traffic as the policy of Her Majesty's government in regard to the slave-trade would seem to require, and hence my Government has deemed it advisable to instruct me to bring the facts contained in the depositions in question to your lordship's notice in order that the necessary measures may be adopted toward causing that policy to be duly respected at Malta.

Mr. Vidal, the consul of the United States at Tripoli, reported to the Department of State as late as the 6th of November last, that, wishing to ascertain how the pasha's orders were respected, he had sent Lueschi, his janissary, to Malta on the 2d of that month, on board a steamer called the *Vilayet*; but there were no slaves on board during that trip. Still, as the traffic may be resumed, I have been directed to bring the subject to your lordship's attention, in order that the policy of Her Majesty's government may be observed at Malta.

And I have, &c.,

BENJAMIN MORAN.

[Inclosure 2 in No. 473.]

The Earl of Derby to Mr. Moran.

FOREIGN OFFICE, March 26, 1874.

SIR: I have the honor to acknowledge the receipt of your note of the 17th instant, calling attention to the alleged neglect of the authorities at Malta to check the conveyance of slaves on board British vessels from Tripoli to Constantinople.

I have not failed to communicate the contents of your note to the secretary of state for the colonies, with a view to searching inquiries into the matter being instituted at Malta; and as soon as the result of these inquiries is known I shall have the honor of addressing a further communication to you on the subject.

I have the honor, &c.,

DERBY.

No. 302.

Mr. Moran to Mr. Fish.

[Extract.]

No. 478.]

LEGATION OF THE UNITED STATES,
London, April 9, 1874. (Received April 21.)

SIR: The London newspapers of last evening and this morning announce, on the authority of a telegram from Melbourne of the 7th instant, that the sovereignty of the Fiji Islands has been formally ceded by King Thakobau to England; and that Her Britannic Majesty's consul there, Mr. Edward Leopold Layard, has accepted the cession, subject to the ratification of Her Majesty's government.

Such a proceeding has been deemed possible here for some time past, and no longer ago than the 30th of last March Mr. William McArthur, member of Parliament for Lambeth, gave notice in the House of Commons that he would call attention on an early day to the present state of affairs with reference to those islands. This was in continuation of his course on the subject last year, when his motion that Great Britain

should assume either the protectorate or the sovereignty of the islands received 50 votes in a house of 136 members. I was present on the 30th ultimo when he gave notice of his new motion, and it was favorably received.

Her Majesty's government have no advices from Melbourne or elsewhere confirming the news of the alleged cession.

* * * * *

A commission of inquiry was sent to the islands some time ago, and Mr. Layard is a member of it. The cession may have been offered, but the question of acceptance is yet to be decided. I think, however, from the tone of public opinion here that the transfer will be agreed to by this government. The question of the cession of these islands to England as involving the rights of certain American citizens to lands there was brought to Mr. Dallas's notice by General Cass in his No. 178 of the 16th of May, 1859; and Mr. Dallas, in his numbers 199 and 200 of the 15th and 21st of July of that year, reported his conversations with various members of Her Majesty's government on the subject.

I send herewith copies of editorial articles touching this probable cession, taken from the leading London newspapers of this morning; and as the transfer of sovereignty may in some way affect private American interests, I have thought it proper promptly to report the present aspect of the affair to you.

I have, &c.,

BENJAMIN MORAN.

[Inclosure.]

[From the Times, Thursday, April 9, 1874.]

The telegraph informs us that the sovereignty of the Fiji Islands has been formally ceded by the King to England, and that Mr. Layard, the British consul, has accepted the cession, subject to the ratification of the home government.

This announcement is not altogether intelligible in its present form, but it indicates, no doubt, that a considerable step has been taken in a matter which is of more importance than we are willing to recognize. To appreciate the news it must be remembered that last year, not for the first time, a resolution was moved in the House of Commons by Mr. McArthur, to the effect that it is desirable for Great Britain to assume either the protectorate or the sovereignty of the Fiji Islands. The motion was rejected by a majority of 86 to 50. But in the course of it Mr. Gladstone made a speech, in which he announced, on the part of the government, measures with which the present intelligence is probably connected. He dwelt on the many objections which might be raised to Mr. McArthur's proposal, but he did not peremptorily reject it. The point on which he principally insisted was that we possessed no information sufficient for our guidance. "As yet," he said, "we know next to nothing about the interior of the Fiji Islands, the character of the islanders, or to what extent the authority of the King and of the two chiefs who have joined him extends in comparison with the entire population. Above all, we know nothing of that vital question, the tenure and occupation of the land;" consequently, he added that, for the purpose of inquiry on these points, the government had secured the services of two competent and trustworthy men. One was Captain Goodenough, of the royal navy; the other was Mr. Consul Layard, brother to our minister at Madrid, who has been appointed consul at Fiji. The latter gentleman was in fact only awaiting his instructions, and it was expected that in the autumn of last year he and his coadjutor "would apply themselves to their task, and would prosecute it with all the dispatch which was compatible with thoroughness of execution." Under these circumstances a statement that Consul Layard has "accepted the cession, subject to the ratification of the home government," possesses more importance than would usually attach to such an announcement.

A consul would ordinarily refer such a proposal to his government, as a matter of course, and his provisional action would indicate in no way the ultimate decision of the English government. But in this instance the intelligence would seem to imply that the person specially commissioned by our government to inquire into the circumstances of the islands approves a cession offered by the King. If this be the case—though our ministers are certainly not pledged to follow the course recommended by

our representative—they will be bound to give it a careful if not a favorable consideration; and, at all events, the proposal to annex the Fiji Islands will demand, in the course of a year, a decisive answer.

The question, as our readers will generally be aware, is by no means a new one. As long ago as 1859 the principal chiefs, in some sense or other, offered the country to the Queen. An inclination to accept British authority has since been more than once expressed; and Mr. McArthur stated last year that a fresh petition in favor of annexation was on its way to England. It is indeed easy to understand the need which is felt for the establishment in the islands of some strong government. According to Mr. Gladstone's statement of last year they contain a population of about 140,000 natives, and 2,000 whites. These whites include some exceedingly turbulent and unprincipled characters; and though the chief members of the government are of white extraction, the King is a native, and he is probably unable to enforce law and keep the peace with any sufficient success. We are utterly ignorant, as Mr. Gladstone said, of the condition of the native population; but it is again highly probable that they are keenly sensible of the encroachments of the white settlers, and that they would be glad of any government which would give them protection.

The difficulty is annually augmented by the increase of the white element in the South Seas, and it must be recognized as one of the complications of the problem that the islands are in any case not likely long to remain independent. If not annexed by England, they may be by the United States; and thus the people of Fiji, and we ourselves, have to consider that the choice may be not between independence and annexation to England, but between annexation to England and to some other power. There seems little doubt of the alternative the Fijians would prefer, but it is for us to take into account, not merely their preference, but the probable advantage or disadvantage of accepting such an addition to our territory. The advocates of annexation are in many respects able to make out a favorable case for their proposal. It is said that the islands occupy one of the most important positions in the Pacific; that, in the opinion of high naval authorities, no better station for our ships of war is to be found in the great highway between America and Australia; that they are exceedingly fertile, producing all kinds of tropical fruits, and particularly favorable to the growth of the cotton-plant. It is urged, moreover, that in view of the growth of other powers in the Pacific we need such a station for the convenience of our navy, and there is a very strong party in Australia in favor of annexation. On one point, indeed, the present telegram seems to be at variance with the assurance of Mr. McArthur and his supporters. He spoke last year of the probable expenses of the government being six or seven thousand a year, while the treasurer anticipated a revenue of £30,000, and believed that in two years it would reach £100,000. These estimates it would seem are matters of pure anticipation. The telegram probably expresses the results of Mr. Layard's inquiries, and according to it the Fiji exchequer is insolvent, the expenditure having amounted during the last two years to £124,000, while the revenue during the same period was only £40,000. Still, it is not probable that the existing government of the islands have had either the ability or the disposition to make the best use of their resources; and if the climate, the soil, and the situation of the group deserve the praise bestowed on them, there ought to be no difficulty in rendering the annexation inexpensive. There is, moreover, one still more urgent reason in favor of such a step.

The islands are said, under their present government, to afford most mischievous facilities for the slave-traffic, which is the curse of the Southern Pacific. Mr. Gladstone was obliged to admit last year "the importance of this country taking all proper and reasonable steps in order to put an end to a state of things in which British subjects, removing themselves from the territorial jurisdiction of the home or colonial government, plant themselves in a region of the earth having little or no political relation with us, and defile that region by what is either avowedly or virtually a traffic in human flesh, with its usual accompaniments of moral degradation and physical cruelty."

We have ourselves experienced the difficulty of putting a stop to this crime, and it is probable that such a government as that of Fiji will never be able to exert any effectual control over the white adventurers who are guilty of it.

We are assured the only way to put down the slave-trade, against which we have declared war, is to take the islands into our own hands, and thus deprive the offenders of the shelter they can now obtain.

These arguments, it must be owned, constitute a fair case for consideration, and the latter argument in particular will have great weight with Parliament and the country. At the same time we may be confident the present government, like the last, will be fully alive to the risks and responsibilities of annexation.

The first question to be asked is whether we are sure the "cession" of which the telegram speaks, and the petition of which we heard last year, really represent the dominant feeling among the inhabitants, both white and native.

It was not considered clear last year that the King had the power to transfer his

authority in the manner he proposed, and this is the part of the telegram to which we referred at the outset as not sufficiently explicit. Mr. Gladstone justly laid great stress on the necessity of our assuring ourselves on this point; but it is to be presumed the two commissioners whom he sent out have obtained sufficient information. A letter from our correspondent at Sydney, which we publish this morning, states that these gentlemen had issued a proclamation which was in Australia regarded as an overture from the British government. It announced that the desire of Great Britain was for the peace and prosperity of the country, if the King undertakes to govern well; but he must rule well and with a righteous hand, and he was requested to consider how difficult this will be when the elements of his dominions are so various as they presently will be. His Majesty was asked to think well over the position, conferring with his people, and it remained to be seen whether they would prefer annexation or native rule.

We have yet to learn whether this cession by the King was the result of such a conference with his people. If we were sure of the good-will of the mass of the population, one great anxiety would, no doubt, be removed; but unknown difficulties might await us in the internal administration of the islands, and we learned in New Zealand what can be the cost of misunderstandings with a native population. On principle, moreover, we are most averse from any addition to our already unwieldy territories, and there can be no doubt this country would rather avoid the annexation if it could do so with a due regard to our duty and our interests. The latter, perhaps, will be not unfairly balanced, so far as we are in a position to estimate them. But the relation of the islands to the slave-traffic raises the gravest questions respecting the obligation entailed by our position in the Australian Seas, and it may prove that we can only fulfill this obligation by accepting the offer which has been so persistently thrust upon us.

No. 303.

Mr. Moran to Mr. Fish.

No. 491.]

LEGATION OF THE UNITED STATES,
London, May 7, 1874. (Received May 19.)

SIR: On the 4th instant Earl Russell delivered two speeches in the House of Lords, which have attracted a good deal of attention; one touching the present aspect of political affairs on the Continent, and the other abounding in terms of condemnation of the late government for having concluded the treaty of Washington. I forward herewith reports of these speeches, taken from the Times of the 5th instant, and of the reply of Lord Derby, as well as copies of the editorial comments upon the discussion made by the editors of the leading London journals in their issues of the 5th and 6th instant.

I also forward a copy of a letter which his lordship addressed to the editor of the Times on the 5th, inclosing an extract from Baron Hubner's report of the alleged state of public opinion in the United States in regard to the treaty.

It is somewhat difficult to understand the real object of Lord Russell in renewing discussion on the treaty at this time. So far he does not appear to have obtained many converts to his views as to the assumed state of public opinion in the United States in regard to the settlement; but it is just possible that some newspapers friendly to him may inoculate the minds of their readers with his notions, and thus revive to some extent a feeling of dissatisfaction here in regard to the treaty which had almost died out.

I have, &c.,

BENJAMIN MORAN.

[Inclosure 1 in No. 491.]

[From the Times, Tuesday May 5, 1874.]

*Parliamentary intelligence.*HOUSE OF LORDS, *Monday, May 4.*

The lord chancellor took his seat on the woolsack at 5 o'clock.

THE TREATY OF WASHINGTON.

Earl Russell said he had given notice to move for any further instructions given to Her Majesty's envoy to the United States of America, explanatory of the treaty of 1846, relating to the Oregon boundary; and also, an account of all compensations received for the injuries to person and property inflicted by Fenians from the United States upon Her Majesty's subjects in Canada. In the Fenian raids farms were burnt, and the lives of the farmers and their families were put in danger; but when compensation was asked, the answer returned was, that the United States Government had given its representatives no instructions to answer that demand. Lord Lyons thought that the question between this country and America ought to have been allowed to rest, and that was his opinion also; but an arbitration had been entered into, and the character of England had been discredited by the treaty of Washington. At the last general election the people of England showed that to be their opinion of the treaty, and that being the case, he felt it unnecessary to move for the papers. He hoped that what was done on the making of that treaty would never be repeated. We ought to risk everything in future negotiations rather than that England should not stand on equal terms with any other country in the world, and the government of England ought at all risks to uphold her honor.

[Inclosure 2 in No. 491.]

*Earl Russell and the Washington Treaty.**To the Editor of the Times:*

SIR: As I appear to have been heard but very indistinctly by your reporter in the House of Lords, I wish to inform you that what I said of the negotiations on the treaty of Washington was, that in those proceedings our government "had tarnished the national honor, lowered the national character, and sacrificed the national interest." I send you Baron Hubner's report of the impressions of the "great public" in the United States.

Your obedient servant,

RUSSELL.

PEMBROKE LODGE, RICHMOND PARK, *May 5.*

[Inclosure in 2 in No. 491.]

Extract from Baron Hubner's report.

According to the sense of the great public the convention at Washington is, on the part of the English government, an act of deference, the acknowledgment of the superiority of the forces of the United States. England has submitted, she has capitulated; neither more nor less. If this erroneous interpretation spreads itself in the Union, and takes root in the convictions of the masses, the conciliatory dispositions which animated the British negotiators are evidently ill-understood, and the treaty, while removing existing difficulties, will have prepared men's minds for future complications.

No. 304.

Mr. Moran to Mr. Fish.

No. 498.]

LEGATION OF THE UNITED STATES,
London, May 16, 1874. (Received May 28.)

SIR: With reference to my No. 478, of the 9th ultimo, in regard to the alleged transfer of the sovereignty of the Fiji Islands to Great Brit-

ain, I have now the honor to send herewith a copy of a newspaper telegram of the 15th instant from Melbourne on the subject, and also two copies of a paper just presented to both houses of Parliament, by command of the queen, containing a letter addressed by Lord Kimberley to Commodore Goodenough, royal navy, and E. L. Layard, esq., Her Majesty's consul in Fiji, instructing them, as commissioners, to report upon various questions connected with those islands, and especially with a view to the assumption of sovereignty over them by Great Britain.

Although it has not yet been announced that Great Britain will accept the rule of these islands, there is, unquestionably, a strong public feeling here in favor of her doing so, and that at an early day.

I am, &c.,

BENJAMIN MORAN.

[Inclosure 1 in No. 498.]

[From the Morning Post, Saturday, May 16, 1874.]

The cession of the Fiji Islands.

MELBOURNE, May 15.

The following are the terms on which the cession of the Fiji Islands is offered to England: The King to retain the royal title and receive a pension of £3,000 per annum, with reversion to his eldest son; other chiefs to receive allowances varying from £20 to £500. The British government to assume the financial liabilities of the Fijian government, and to confirm all existing contracts and charters. The ruling chief is to be recognized as the owner of the lands and as guardian for the tribes.

The above offer to remain open for the space of one year.

[Extracts from inclosure 2 in No. 498.]

Copy of a letter addressed to Commodore Goodenough, royal navy, and E. L. Layard, esq., Her Majesty's consul in Fiji, instructing them to report upon various questions connected with the Fiji Islands, with inclosures.

DOWNING STREET, August 15, 1873.

SIR: Her Majesty's government desire to take advantage of the opportunity afforded by your proceeding to assume the appointment of consul for the Fiji and Tonga Islands, to request you, in conjunction with Commodore Goodenough, who has been appointed to the chief naval command on the Australian station, to inquire and to report to them on certain matters connected with the Fiji Islands; and I now proceed to explain to you the general course which this inquiry should take, and to direct your attention to those points which principally require investigation.

A similar instruction has been addressed to Commodore Goodenough, and I have to request that you will in this matter act in full concert and combination with him.

I transmit to you herewith copies of various papers which have been laid before Parliament on the subject of the Fiji Islands, together with two memoranda recently furnished by Mr. March, Her Majesty's late consul for those islands. As you will find in these papers full details of the relations of Her Majesty's government with the Fiji Islands up to the present time, it is unnecessary that I should do more than briefly notice what has occurred since Colonel Smythe made his report.

After considering that report, Her Majesty's government communicated (in 1862) to the king and chiefs the determination of Her Majesty to decline the sovereignty of Fiji, and for some years after that date they were not called upon to consider any questions connected with the government of the islands. In 1868, the number of persons of European origin settled in Fiji having by that time considerably increased, Mr. Thurston, through the Earl of Belmore, then governor of New South Wales, called attention to the proceedings of a company formed in Melbourne, who had obtained from the Chief of Bau (Thakobau) a charter by which it was proposed to secure to the company 200,000 acres of land belonging to a tribe stated to be independent of him. Mr. Thurston pointed to this and to other proceedings as showing the desirability of establishing British or other civilized authority in the islands. By the terms of the charter the company undertook to make provision for the settlement of a claim of about £10,000 preferred by the United States against King Thakobau.

In a letter dated the 31st of December, 1869, the foreign office called the attention

of my predecessor to an extract from a Melbourne journal containing a copy of an address to the President of the United States, inviting the protectorate of the United States Government. Lord Granville observed in reply that, in his opinion, it was not desirable that this country should take the responsibility of the government of Fiji, and that he considered that there would be more disadvantage in doing so than in the risk of the United States assuming the protectorate.

In March, 1870, the foreign office received a dispatch from Sir E. Thornton, stating that he had reason to believe that the United States Government had no intention to establish a protectorate over Fiji.

In a dispatch dated the 20th of May, 1870, the governor of Victoria expressed his opinion that, at the approaching conference, all the Australian colonies would unite in a representation to Her Majesty's government in favor of the establishment of British supremacy in the Fiji Islands, and in deprecating the introduction of a foreign government or protectorate; and on the 15th of July following, Lord Canterbury inclosed an extract of a resolution adopted at the conference, "for obtaining the establishment of a British protectorate over the Fiji Islands."

On the 12th of August Lord Canterbury forwarded a memorandum from his ministers, urging the importance of the question.

Two memorials, dated in 1870, were also received at the foreign office from native chiefs and others, praying for British protection.

On the 16th of March, 1871, in answer to Lord Canterbury's dispatch sending the memorandum of his ministers, I stated that Her Majesty's government could not depart from their former decision not to extend British sovereignty over the islands, and a copy of this dispatch was sent to the governor of New South Wales.

On the 15th of July, 1871, I transmitted to the governor of New South Wales a copy of a dispatch received through the foreign office, covering a petition from Dr. Laing to the Legislative Assembly of New South Wales, praying for the annexation of the islands; and the foreign office was informed in reply (15th July) that Dr. Laing was in error in supposing that there was authority in the governor's commission for annexing and establishing a regular government in the Fiji Islands as a dependency of New South Wales.

On the 9th of August, 1871, the governor of New South Wales sent to me a copy of a letter addressed to him by Sir J. Martin (as first minister) in answer to the dispatch to Lord Canterbury of the 16th of March, in which Sir J. Martin deprecated the refusal of Her Majesty's government to annex the islands, and, with reference to a rumored proposal to place the islands under the protection of New South Wales, declined on the part of the colony to accept the responsibility of their government for reasons which he assigned. My reply to this communication is contained in my dispatch of the 3d of November, 1871.*

On the 19th of April, 1872, Sir A. Stephen, then administering the government of New South Wales, remarked,† in reference to the above-mentioned dispatch, that he considered that the question had been disposed of by Sir James Martin's letter, inclosed in Lord Belmore's dispatch of 9th August.‡

On the 14th of August, 1872, I addressed a circular dispatch to the governors of the Australasian colonies, informing them, with reference to questions which had arisen as to the status of British subjects in connection with Fiji, that Her Majesty's government were advised that British subjects could not, beyond the limits of the new state not yet duly recognized, be accepted as citizens of that state; nor be held exempted from British jurisdiction for acts done by them on British territory, or on board ships which ought to be navigated under the British flag; nor in respect of engagements, the construction of which would properly, and ordinarily, be triable before a British tribunal. And I further explained that Her Majesty's government might interfere with the acts and engagements of British subjects within Fiji, and might declare certain acts and engagements to be legal or illegal in the case of British subjects within Fiji.

On the 6th of November, 1872, the governor of Victoria reported that an agitation had been set on foot in that colony in favor of the annexation of Fiji, but with little success.

On the 19th of October, and again on the 16th of December, 1872, Mr. Thurston, on behalf of the existing Fijian government, addressed to Earl Granville letters on the subject of Fijian affairs, copies of which are annexed; and on the 31st of January, 1873, Mr. Thurston inquired of the secretary of state for foreign affairs whether Her Majesty's government would entertain a proposition from the government of Fiji to cede the kingdom to her Britannic Majesty, if its King and people once more, and now through the King's responsible advisers, express a desire to place themselves under Her Majesty's rule, and requested a reply by telegraph.

In reply to this last letter, the governor of New South Wales has been instructed

* Parliamentary paper, C. 509, page 2.

† Parliamentary paper, 124, No. 3.

‡ Parliamentary paper, C. 509, page 1.

by telegraph to inform Mr. Thurston that the inquiry which you are desired to hold will be instituted.

In the actual position at which the affairs of Fiji have thus arrived, there appear to be four possible modes of action open to Her Majesty's government:

1. To invest the British consul with magisterial power over British subjects settled in the islands.

2. To recognize the government which now exists in the islands, and which has already been dealt with as a *de facto* government.

3. To establish a protectorate over the islands.

4. The assumption by Her Majesty of territorial sovereignty over the islands, and, as a necessary sequence, the constitution within them of some form of colonial government.

With regard to the first of these propositions, I have to refer you to the memorandum (inclosed herewith) by Mr. March, in which he has explained the nature of the jurisdiction which he thinks might be exercised by a consul-general, supported by a cruiser and a small force of police, over Her Majesty's subjects settled or trading in Fiji or among the neighboring islands. It would be difficult to justify the establishment of such consular jurisdiction, unless it can be shown that the country in which it is to be exercised does not possess a government capable of controlling those who reside within its limits; and, apart from the difficulties which might attend the practical working of Mr. March's scheme, the question arises whether the time may not have gone by for adopting such a measure in the case of Fiji. But supposing Her Majesty's government should be of opinion that there is no objection in principle to conferring such powers upon the British consul, various important questions would have to be answered before they could take this step, as, for example, 1. Whether the government now holding power in Fiji would acquiesce in such an arrangement, or could properly be required to accept it. 2. Whether the settlers of British origin would submit to such consular jurisdiction, or could be compelled to do so. 3. In the event of such jurisdiction being established over British subjects, what would be the position of other persons of European origin, not being British subjects. 4. What would be the status of vessels owned by British subjects in Fiji, and whether in the event of such vessels being placed for any reason under the Fijian flag, Her Majesty's government could practically refuse to recognize them as having thereby acquired any rights or immunities which they would not possess if they remained under the British flag. You will understand that Her Majesty's government do not desire your opinion on the legal difficulties attending this scheme, but on the question whether its adoption would be expedient and practicable in the present state of the islands.

It would be a most important part of the duty of a consul invested with such powers to enforce upon British settlers obedience to all proper regulations (whether those of the local government, or such as the consul, with the approval of Her Majesty's government, might himself promulgate) with respect to the employment of Polynesian immigrants and other colored laborers.

You will pay particular attention to this part of the subject, as no arrangement would be satisfactory to Her Majesty's government which failed to provide adequately for the prevention of the abuses which have arisen in connection with the importation of Polynesian laborers into Fiji and their employment there by the white settlers.

Proceeding next to the suggestion that the government now existing in Fiji should receive full recognition, the following are among the principal points to which I have to direct your attention:

It would be necessary to ascertain—1. To what extent is the actual government acknowledged throughout the islands by either the natives or by the white settlers. 2. Whether the resistance which has recently been offered to it is grounded upon a belief that it is not properly constituted, and has no sufficient title to the power which it affects to exercise, or to an objection to the persons now constituting the administration, such as would be removed by the substitution of persons possessing in a greater degree the confidence of the inhabitants. 3. Whether there is a reasonable prospect that a government so constituted will possess stability, and will be able to preserve order and to punish crime. 4. It would be especially important to learn what securities the Fijian government, if recognized, would be prepared to give that slavery should not in any form, directly or indirectly, exist in the islands; that kidnapping, whether carried on in ships under the Fijian flag or under other flags, should, as far as lay in their power, be effectually repressed; and that laborers imported from other islands should be humanely treated, and should only be employed in accordance with contracts freely entered into by them. Her Majesty's government would not be satisfied with regulations less favorable to the Polynesian immigrant than those established in Queensland, as shown in the acts and regulations appended to this letter; and they would require that the Fijian government should, as a condition of recognition, enter into a formal treaty with this country, giving Her Majesty's cruisers the same rights of search in the case of the Fijian ships engaged in carrying Polynesians to Fiji as of British ships, and embodying complete and stringent regulations for the prevention of kidnapping,

and for the proper treatment of Polynesian and other immigrants, such as are contained in the Queensland acts on this subject, and in the Imperial act (35 and 36 Vict., cap. 19) for the suppression of kidnapping. Her Majesty's government would also expect that the Fijian government should enter into a stipulation securing to British subjects and British commerce in Fiji to the fullest extent the treatment accorded to the most favored nation, and that British ships in Fijian ports should receive the same treatment and enjoy the same privileges as national vessels.

I may dismiss more briefly the third suggestion that has been made, namely, that Her Majesty's government should establish a protectorate over Fiji. The objections to a protectorate are obvious, inasmuch as it would impose upon the protecting power undefined responsibilities, with limited power of discharging such responsibilities; and it can scarcely be doubted that, in such a state of society as must for a long time prevail in Fiji, many things would be done or tolerated by the local authorities which this country could not as a protecting power pass over in silence without discredit, and interference as to which would before long irresistibly tend to the exercise of direct control over the local government. At the same time it will be desirable that you should ascertain whether a protectorate meets with favor in the islands, and, if so, what are the conditions under which it is considered that it could be advantageously exercised.

I now come to the fourth and last of the possible courses which I have enumerated, namely, the annexation of the islands to the territories of the British Crown.

Before the adoption of so grave a measure could be seriously entertained, it is necessary that full and satisfactory explanations should be given on some very material points, on which hitherto no sufficient information has been furnished:

1. Whether Thakobau and the other native chiefs, and the native population generally, as well as the white settlers, desire and would acquiesce in the establishment of the authority of the British Crown over the islands. Full inquiry should be made as to the power and authority of the chiefs to make over the sovereignty.
2. What form of government is it proposed should be established in the islands in the event of their becoming British?
3. Is it supposed, having regard to the numbers and nationality of the white residents and of the native population, that responsible government, as it exists in the neighboring colonies, would be appropriate to Fiji, and if so, is there among the settlers a sufficient number of persons qualified to supply the materials for an elected legislature and for an executive government composed of members of that legislature?
4. How, if at all, would the natives be represented in the legislature?
5. If, on the other hand, it is considered that the control of public affairs should rest, as in a crown colony, with the governor, subject to the instructions of the secretary of state, would it be proposed to admit the settlers to some voice in the council of government, and would it be necessary or expedient that the native element of the population should likewise be represented in the council?
6. What would be the probable expenses of the government? It would be desirable that upon this point some general statement should be laid before Her Majesty's government of the nature of the civil establishments which would have to be created, distinguishing judicial from other officers, with an estimate of their salaries, and the other consequent expenses.
7. What is the actual revenue now levied by the existing government? What are the sources from which it is derived? To what extent and in what manner can it be increased, and what amount of revenue can reasonably be calculated upon as permanent?
8. In what hands is the control over the revenue and expenditure to be lodged; especially how far could such control, in any circumstances, be exercised from this country?

It has been reported that the existing government has contracted a considerable debt. Full particulars should be ascertained as to this debt, the amount of the principal and interest, the circumstances under which it has been contracted, the persons from whom it has been borrowed, the validity of the engagements entered into with them, the manner in which the money so obtained has been expended, and the precise extent of the obligations which would have to be assumed in respect of this debt by the future government of Fiji, if the islands should be annexed to the British Crown. It will, of course, be understood that Her Majesty's government could not consent to make the revenues of this country liable in any way for this debt, or to charge upon them any portion of the cost of the local government, or of maintaining order within the islands.

Closely connected with the question of the expense of the government is the question of the amount and character of the force which would have to be maintained in the islands for the preservation of order and the protection of life and property. If responsible government were established, this duty would, of course, devolve entirely upon the local government, as Her Majesty's government could not be answerable for the results of a policy which they did not directly control. But it would not be sufficient for the settlers to express their readiness to undertake the management of their internal affairs and the maintenance of order, unless there were good reason to believe that they would be able to discharge such obligations effectively on principles which

Her Majesty's government could approve. Assuming the character of the natives, with perhaps the exception of the mountain tribes of Viti Levu, not to be warlike, and their distribution among numerous islands to throw difficulties in the way of their acting in combination, it is nevertheless obvious that a native population estimated at as many as 170,000, liable at any moment to come into collision with the white settlers whose plantations are scattered in all directions, could not be efficiently controlled without a considerable and thoroughly-organized armed force.

It would have to be determined what should be the nature of this force, whether it should be a military or a police force, or of both kinds; whether white or colored; and whether it could be recruited altogether or partly within the islands. Upon the answers to these questions would depend what would be the cost of this force, and whether the islands could provide for that cost.

Provision would have to be made for the rapid concentration of any forces that might be required to meet a sudden emergency in one of the islands, and for the enforcement of the law and suppression of crime over a very large extent of seaboard. It should be considered whether this requirement could be met by the organization of a water-police, or whether the aid of one or more armed colonial vessels would be necessary to support the authority of the government; and, further, what amount of aid the local government would probably require from Her Majesty's ships.

There are numerous other islands in the South Seas, both near to and at some distance from Fiji, on some of which British settlers are already established, and many of which are believed to be not less fertile and suitable for settlement than Fiji. One of the principal arguments for the annexation of the Fiji Islands has been that this would be at once the most effective and the most economical mode of repressing the kidnapping practices, to prevent which it has been found necessary to station a large naval force in the South Seas. Is there good reason to expect that, in the event of Her Majesty's government assuming direct control over the Fiji group, the same abuses which had been checked in these particular islands would not be transferred to other islands in which lawless proceedings could be carried on with comparatively little hindrance?

Another important subject, as to which the information before Her Majesty's government is very imperfect, is the tenure and ownership of the land in Fiji. On this head you should make careful inquiry: (1) whether the title to the land is fully vested in the King or chiefs; (2) whether there are any tribal rights or local customs which affect or limit their power to grant or dispose of it; (3) whether it is proposed that unalienated land shall be absolutely surrendered to the Queen, or shall continue to remain in the hands of its native owners until conveyed to private purchasers; (4) on what terms and conditions land is now occupied or owned by white settlers; (5) what proportion of the land in the islands is in such occupation, and what amount remains available for future settlement. With regard to the capabilities of the soil much information is given in the report by Dr. Seeman which follows the report by Colonel Smythe; but it will be desirable to have a further statement as to the practical success which has attended the cultivation (whether by Europeans or natives) of cotton, sugar, or any other staple article of export during the past twelve years, and as to the amount of trade which is at present carried on with the islands, and the prospects of its further increase.

In the papers to which I have referred you, you will find allusion made to the claim of the United States Government against King Thakobau, and the steps which have been taken with a view to the liquidation of that claim. You will report whether Mr. March's memorandum recently furnished on this subject requires any addition or correction. As the land suitable for cultivation in Fiji appears to be limited by the mountainous formation of the islands to a comparatively small area, the field open for future settlers must be greatly circumscribed if the title of the Melbourne company to 200,000 acres of the best land is a good one. And as it might be necessary to raise a revenue from land, it should be distinctly ascertained whether those who claim to have already acquired freehold rights in the land would be prepared for the imposition of a land-tax or other like charge.

In the event of the Fiji Islands being brought under British sovereignty, important and probably embarrassing questions would arise as to the position of Thakobau and the other chiefs, and the status of the native population. Her Majesty's government desire to know what are the expectations of Thakobau and the other principal chiefs, as well as the recommendations of the existing government, on this head, and how far those recommendations would be likely to be acquiesced in by the chiefs. The utmost care should be taken that the chiefs thoroughly comprehend all that is proposed on a subject which is so likely to be productive of difficulties hereafter. If it is suggested that the rights and privileges of the King and chiefs should be commuted for an annual stipend or pension, or that the native title to land should be similarly extinguished, you will carefully consider whether the amounts proposed to be paid, and the other conditions, appear equitable and such as the natives are not likely hereafter to repudiate.

Colonel Smythe stated in his report that among more than two-thirds of the native population, cannibalism, strangulation of widows, infanticide, and other enormities prevailed to a frightful extent. It should be ascertained whether any material improvement in these respects has taken place during late years; whether there are any other native customs which could not be tolerated under British rule; and whether the suppression of such practices or customs would be attended with danger or difficulty. If there is any system of domestic slavery in the islands, the particulars of it should be furnished.

In conclusion I have to add that you will understand that while it is the desire of Her Majesty's government to obtain, with reference to the points presented to you, and to all others which may suggest themselves to your minds, the expression of your deliberate and impartial judgment, formed after a careful examination of the facts upon the spot, they are not only far from desiring any increase of British territory, but they would regard the extension of British sovereignty to Fiji as a measure which could in no case be adopted unless it were proved to be the only means of escape from evils for which this country might be justly held to be bound to provide an adequate remedy. If the Fiji Islands are capable of being ruled in a tolerable manner by a government which is in any real or even qualified sense their own and indigenous, it can scarcely be doubted that the establishment of such a government would be more conducive to the interests of the British Empire, as well as of the islands themselves, than that this country should assume the heavy responsibility of governing a dependency inhabited by a large native population at the other side of the globe.

I have, &c.,

KIMBERLEY.

Memorandum by Consul March respecting the claim of the United States on Thakobau for \$45,000.

LONDON, May 14, 1873.

The circumstances under which Thakobau was made responsible for a fine of \$45,000, and his present position toward the United States Government, may be epitomized as follows: The natives of Ovalau, Bau, and Viwa, at various times previous to the year 1849, had robbed and ill-treated several American subjects residing in or trading to the islands; but their principal offense was committed upon the 4th of July, 1849. Upon that day the American consul, celebrating the anniversary of the Declaration of Independence, fired a salute to the windward of his native-built house, and the wind carrying one of the burning wads upon the thatch, set the building on fire. Very little was saved. Under the pretext of assisting, the natives stole the few articles rescued from the flames. The consul therefore, in 1851, taking advantage of the presence of a United States ship of war—the *St. Mary*—sent in a statement of the value of goods stolen, amounting to \$5,001.30. Subsequently interest was added, swelling the claim to \$6,166.19. In 1855 it had increased to \$19,365. Other claims preferred in 1851 had also, by some strange process, increased as follows:

	1851.	1855. Increased to	New claims.	1851.	1855. Increased to
J. B. Williams.....	\$5,001 38	\$19,365	Tim Pickering.....		\$2,800
Chamberlain.....	4,000 00	7,300	Rider		1,500
D. Whippy	1,500 00	6,000	Wilkinson Brothers..		4,000
Ship Elizabeth.....	1,000 00	1,000	Shattuck & McAmber ..		2,600

These claims were admitted by Commander Boatwell, but upon what grounds it was not clear, even to the United States Government. An American journal, published at the time, said: "Having thus arrived at a satisfactory conclusion, a paper was drawn up, called a treaty, which Thackobau, under the heaviest threats, was forced to sign. Therein he undertook to pay the sum claimed in two years, with another extorted promise that if he failed he would resign the government of Bau and go voluntarily on board a United States ship of war and submit to any punishment the commander might think proper to inflict. On returning from the *John Adams*, where he had been compelled to sign the so-called treaty, acknowledging the justice of the claims and promising to pay the \$45,000 in two years, Thackobau addressed a protest to the United States consul in Sydney, for transmission to his Government."

The foregoing remarks have not only never been disproved, but it has been admitted that the claim of Consul Williams was unjust. So late as October, 1869, the commander of the United States ship *Jamestown*, in writing to Thakobau, officially addressed him as King *in* Fiji, the chief having declined to go on board if he was to be received as King *of* Fiji. At this visit a court of arbitration for adjudicating on all

matters in dispute was held on board, on the 28th of October, 1869. It consisted of three officers of the ship and two American citizens, settlers in the group, one of whom, Mr. D. Whippy, was a claimant for \$6,000. In the matter of Consul Williams's claim, the court found as follows:

"By an original statement of his losses, made in his own handwriting, he claims the sum of \$6,166.19, of which \$2,048.57 is interest. It appears from the records of the United States consulate, that in 1858 he was allowed by Commander Sinclair and a board of officers of the United States ship *Vandalia* an additional sum of \$1,054 for damage sustained in 1858, making a total of \$7,199.67, which is all the amount of his claim sustained by tradition or the records of the consulate, and yet he stands on the list of awards as entitled to \$19,365. There is no possible way of accounting for this great and strange discrepancy." It is, however, extraordinary that the resident United States commercial agent should have failed to apprise his Government that the enormous claim which he was pressing upon a helpless savage was neither supported "by tradition nor the records of his office;" and when it is known that he acted as the agent or administrator to the estate of the late J. B. Williams, the claimant, and is therefore likely to have the best evidence of that gentleman's real loss, the fact is more inexplicable.

These claims, amounting to £10,000, were taken up by a company formed for that purpose in Melbourne, composed of British subjects. This company engaged—

- 1st. To pay off the American debt of \$45,000.
- 2d. Give Thakobau an annuity of £200.
- 3d. Aid and assist him in upholding and defending his kingdom, by supplying him with an armed steamer whenever he might require one.

For these considerations the chief engaged—

- 1st. To make over to the company 200,000 acres of land in different parts of Fiji.
- 2d. To give them a banking monopoly.
- 3d. A pre-emptive right to all lands in his territory.

Thus a very large portion of Fijian territory was made over to an English company. The last installment of the debt was paid more than a year ago, but the company have been unable to gain possession of all the land, for the simple reason that much of it did not belong to Thakobau, and was in districts independent of his rule. From this has resulted much ill-feeling and dishonesty. The company, consisting of three or four obscure individuals, paid the debt with the proceeds of the allotments of land, which, on the purchasers, proceeding to occupy, were found either to have no existence or to appertain to independent chiefs. Thus Thakobau deceived the company, and the company cheated its clients, who in their turn settled themselves on the debatable ground, and thus commenced an epoch of quarrels and outrages between the whites and natives.

EDWARD MARCH,
Consul.

Circular dispatch to the governors of Australian colonies.

DOWNING STREET, August 14, 1872.

Her Majesty's government have had under their consideration a question which has arisen with reference to the government established *de facto* in the Fijian Islands, namely, whether beyond the limits of the new state British subjects, so long as the new state is not recognized, can be accepted as citizens of it, and exempted from British jurisdiction in respect of acts done by them or engagements entered into with them. A reference has been made to the law-officers of the Crown, who have advised Her Majesty's government that British subjects beyond the limits of the new state, not yet duly recognized, should not be accepted as citizens of the new state, nor be held exempted from British jurisdiction for acts done by them on British territory or on board ships "which ought to be navigated under the British flag." And further, that they should not be held exempt from British jurisdiction for engagements entered into with them in cases where the validity or construction of such engagements would properly and in ordinary course be triable before a British tribunal. They are further of opinion that Her Majesty's government may interfere with the acts and engagements of British subjects within Fiji, and may declare certain acts and engagements to be legal or illegal in the case of British subjects within Fiji. The law-officers have also reported with reference to inquiries made through Mr. Consul March, by certain half-castes residing in Fiji, as to the protection which could be granted to them on account of their British origin, in connection with the establishment of a *de-facto* government; that the half-castes in question appear to be illegitimate children of Fiji women, and to have been born in Fijian territory, and that, consequently, their nationality is not British, and that they are not entitled to British protection. These opinions are communicated to you for your information and guidance.

I have, &c.,

KIMBERLEY.

No. 305.

Mr. Moran to Mr. Fish.

No. 504.]

LEGATION OF THE UNITED STATES,
London, May 30, 1874. (Received June 12.)

SIR: For the future use of the Department I have the honor to send herewith a copy of the London Gazette of last evening, May 29, 1874, containing an official notice that the blockade of the Gold Coast, established December 15, 1873, was raised on the 17th of April, 1874.

I am, &c.,

BENJAMIN MORAN.

[Inclosure.]

[From the London Gazette of May 29, 1874.]

BOARD OF TRADE, (HARBOR DEPARTMENT,)
Whitehall Gardens, May 28, 1874.

The board of trade have received through the secretary of state for the colonies a dispatch from the officer administering the government of the Gold Coast, inclosing an official notice announcing that the blockade of the Gold Coast, established December 15, 1873, was raised on the 17th of April, 1874.

No. 306.

General Schenck to Mr. Fish.

No. 573.]

LEGATION OF THE UNITED STATES,
London, June 3, 1874. (Received June 15.)

SIR: Mr. Anderson, member of Parliament for Glasgow, has again been calling attention in the House of Commons to the treaty of Washington, and complaining that no provision was made for compensation to British subjects who suffered losses by the Alabama and other confederate cruisers. Mr. Bourke, under-secretary of state for foreign affairs, replied and explained. The discussion took place yesterday. I send the report of it, extracted from the proceedings of Parliament, published in the Times of this morning, which may be worth preserving, not so much from any interest or importance attaching to the subject itself, or the points presented, as for the way in which it illustrates the temper and tone of feeling prevailing here.

I have, &c.,

ROBT. C. SCHENCK.

[Inclosure.]

[From the Times, Wednesday, June 3, 1874.]

*Alabama claims.*HOUSE OF COMMONS, *Tuesday, June 2.*

Mr. Anderson rose to call the attention of the house to losses sustained by British subjects not compensated under the Washington treaty, and to damages done to British subjects by the Alabama, and to move a resolution. He expressed his regret at the lateness with which this motion came before the house, but it was owing to circumstances beyond his control that he did not bring it forward last session; and he still felt that, in justice to certain parties, he was bound to proceed with it even at this late stage. In doing so he did not wish to attack the policy of the Alabama treaty, nor in any way to blame the late government for having made it; on the contrary, he thought that in making it we set a noble example to the world of two great nations undertaking to settle their difference by the arbitrament of reason rather than

by that of the sword. It was a great example, which would yet bear good fruit. He did not think our having made great concessions in that treaty was a subject of regret. It only showed our magnanimity, for it required greater courage to make concessions than to fight for them. But he did blame the late government to a certain extent for not allowing that treaty to be discussed before it was ratified. Parliament was sitting at the time, and they refused the appeal made to permit its discussion in a somewhat high-handed manner. The discussion which was held was little better than a hollow sham. In this way had arisen one of those mistakes he would have to point out, which might have been corrected had it been discovered before the ratification. The claims he had to urge were of three classes, although his resolution referred to only one of them. The first class was a very large one. It consisted of British subjects who held property in the Confederate States before the war, enjoying the protection of the law and institutions of the United States. The United States Government certainly ought to have compensated British subjects who lost their property in that way. The more that Government insisted the war was not a civil war, but a rebellion, they were bound to recognize that right. They had consistently refused to compensate their own loyal subjects for the damage done to them by the confederates; but a great change was going on with reference to that matter, and the probability was that before long the United States Legislature would take into consideration the necessity of compensating their loyal subjects for damage done during the rebellion by the confederates; and if they did so, he hoped Her Majesty's government would insist on their compensating British subjects also. There were many instances of damage done to the property of British subjects by the Federal Army—property destroyed after the 9th of April, 1865, when General Lee surrendered. These claims would have been good, but they were barred by the date absolutely fixed by the treaty. The United States court, in litigation between the citizens of the United States, recognized the termination of the war as the 20th of August, and he was therefore at a loss to understand how, in the face of that fact, our negotiators could consent to the date of the surrender of General Lee as the termination of the war, when Jeff. Davis's capture was not effected till a month later, and the surrender of the last confederate army six weeks afterward. On this point the chancellor of the exchequer, one of our negotiators, admitted that a "mistake" had been made. He said he believed that both parties really meant honestly to include all damage done to British subjects during the whole period of the war; but the English negotiators persisted in calling it a civil war, whereas the United States negotiators would not admit of any term but rebellion; and, as the treaty was likely to fall through, neither term was used, but dates were suggested, to which the English negotiators assented, without its having ever occurred to them how far they were really concerned with the beginning or end of the war. If a "mistake" had occurred, why, when pointed out, was it not rectified? The dates of the treaty had been most rigidly observed; and many claims were barred by that circumstance. In one instance a British subject had been imprisoned for 107 days, only 22 of which were within the treaty, and the remainder were to be uncompensated. There was a case of a British subject whose mills in Georgia were burned down on the 17th of April, only a few days after the date fixed by the treaty, and yet the claim was entirely debarred from compensation. The United States Government were aware that wrong had been done in this matter, and he quoted an extract from the last presidential address to show that President Grant was still willing to consider the claims of British subjects arising outside the dates of the treaty. He was told when in Washington that it was very likely a supplemental commission would be appointed to look into those claims, and he hoped the government would use what influence they had at Washington to see that the supplemental commission was honestly and really intended to deal fairly with these cases. He now came to the third class of claims to which his resolution applied—the class of British merchants who had British goods in American ships destroyed by the Alabama. In many cases we had actually paid for the loss of the American ship and the American goods on board, while the British merchant having goods on board was not paid. The number of the last class of cases was very small—he believed only three or four; but they were very important to the sufferers. One of them was that of a firm of British merchants who had shipped about £4,500 worth of grain and flour in an American vessel. Before doing so they went to the British consul and asked his advice whether it was necessary to insure against war-risks, and the consul told them it was not, as Great Britain was not at war with any power at that time; and that his indorsement of the bill of lading, with the consular seal attached, would be a sufficient protection to British goods even in an American ship. The firm took his advice, and the result was that the ship was met by the Alabama, and though the bill of lading was shown to Captain Semmes, he did not care a straw about the goods being British, but sent the ship to the bottom. Another case was that of Messrs. Hamilton & Co., of Belfast, who shipped £6,000 worth of grain in the Lafayette, which was also destroyed by the Alabama. We had paid the American owners for the ship and the American merchants for a part of the cargo, and it was only the part of the property which belonged to the Messrs. Hamilton for which compensation was not given. The question there involved was what was right in jus-

tice and equity rather than according to the mere letter of the law. The arbitrators having decided that we were wrong in allowing the Alabama to escape, we ought equally to pay for all the direct consequences of that wrong, whether the victims were British or American subjects. If it was said that the treaty having been made with America, we ought to pay for the losses of American subjects only, and not for those of our own subjects. He maintained that that was an unworthy view to take of our duty, and one that would hardly satisfy the national conscience. The honorable member concluded by moving:

"That in the opinion of this house it is wrong in principle that individual subjects should be left to suffer severe loss through a national wrong; and, therefore, seeing Great Britain has been adjudicated to have been in the wrong in permitting the escape of the Alabama, and has compensated American subjects for all the consequences of that wrong, British subjects who have similarly suffered from the Alabama should be similarly compensated."

Colonel Mure, in seconding the resolution, appealed earnestly to the house to deal with that matter as a question of natural justice and equity, and not of mere law, and to treat the losses of men whose misfortunes had arisen from the laches of the officials who had permitted the Alabama to escape from this country not only in a fair but in a generous spirit.

Mr. Bourke said it was not his intention to follow the honorable member for Glasgow into his criticism either upon the Washington treaty itself or upon the conduct of the late government in not submitting that treaty to the house before its ratification. The honorable member had divided his motion very properly into three distinct branches, viz, first, the losses sustained by British subjects in the Confederate States; next, other losses of British subjects; and, lastly, losses connected with the Alabama claims. As to the losses arising in the Confederate States, they had been brought before the commission and adjudicated upon by it; and the reason why the commission did not think they came within the terms of the treaty was because the commissioners were of opinion that "the United States could not be held liable for injuries caused by the acts of rebels over which they could exercise no control, and which they had no power to prevent." That was a judicial decision given by the commissioners, and of course it would be perfectly useless now for us to repudiate one of the most important provisions in the treaty which was carried out by the commissioners. With regard to the losses sustained by British subjects under the treaty, they were confined to two dates—the 13th of April, when the first gun was fired from Fort Sumter, and the 9th of April, 1865, the date of the surrender of General Lee's army. It was believed by every one that no claims could arise that were not included within those two dates. Since the signature of the treaty, however, other claims had, no doubt, come to the knowledge of the foreign office. All these were submitted to the law-officers of the Crown, and some were submitted to the Government of the United States through the British minister at Washington. The stipulations of the treaty of Washington were not intended to cover all such claims, and it was understood that if there were other claims not included within the two dates in question, they might be brought forward at some other time. That was not only the opinion of the British law-officers, but also of those of the United States, and these claims, therefore, remained to be settled. President Grant, in a recent message, said:

"I recommend legislation to create a special court, to consist of three judges, who shall be empowered to hear and determine all claims of aliens upon the United States arising out of acts committed against their persons or property during the insurrection. The recent reference under the treaty of Washington was confined to claims of British subjects arising during the period named in the treaty; but it is understood that there are other British claims of a similar nature arising after the 9th of April, 1865, and it is known that other claims of a like nature are advanced by citizens or subjects of other powers. It is desirable to have these claims also examined and disposed of."

Since that message had been sent a bill had been introduced into Congress establishing a court before which the claims of British subjects, as well as those of other powers, could be heard and determined. Another bill, having the same object, was also before Congress, and, if either passed, peremptory instructions had been sent to Sir E. Thornton that all claims made by British subjects outside the dates mentioned should be preferred before that court as soon as it should be constituted. Even if this court should not be established, these claims, like all claims which one civilized nation might have upon another, would remain, and it would be the duty of our diplomatic representatives to bring them under the notice of the United States Government. And he could assure the honorable member that every just and reasonable argument that could be urged in their support should be employed. As this was the first occasion on which the transaction of the business of claims made before the commission had been mentioned in that house, he trusted he should not overstep his duty if he offered his humble tribute of admiration to his right honorable friend the recorder of London for the admirable manner in which he had performed the functions intrusted to him.

Hear, hear.) There might be a difference of opinion respecting the treaty, but there could be none as to the sacrifices made by his right honorable friend, or the great tact,

patience, legal ability, experience, and authority he had displayed. (Hear, hear.) The qualities he had brought to bear were, indeed, the rarest and most eminent qualities of the judicial mind. The house would, he trust, pardon him if he availed himself of this opportunity of expressing his belief that the services of his right honorable friend were regarded with affection, gratitude, and respect by his countrymen. (Hear, hear.) He now approached the most important branch of the motion before the house, which was framed on a misconception. It was assumed that Great Britain had been adjudicated in the wrong. That was not the case. Great Britain had been adjudicated liable to pay; and why? Because she had undertaken to be judged for this purpose by three rules which had not before been in existence. Even if it were assumed, for the sake of argument, that Great Britain had been adjudicated to be in the wrong, it might be asked, "Between whom?" She had been adjudicated to be in the wrong between herself and the United States, but never between herself and her own subjects. The principle was solely applicable to international disputes, and in no sense applicable to questions arising between Great Britain and her own subjects. All such disputes must be settled by the municipal law of the country. The alleged wrong consisted in allowing a ship that was hostile and injurious to the commerce of the United States to escape from our shores. The injury complained of was an international injury, and the national wrong, if any, was committed by Great Britain against the United States. Upon what principle could Great Britain be adjudged liable to pay? As these disputes must be settled by municipal law, Great Britain could not be adjudged in the wrong between herself and her own subjects. No government was liable for the assumed negligence of its officers. If the honorable member's motion were carried, and if a government were liable for the negligence of its own officers, any person suffering from the depredations of a pirate might claim compensation from the House of Commons. The principle might be carried a step further, and it might be alleged that, as burglaries were owing to the negligence of the police, the government might be asked to pay for every robbery and burglary committed in the country. It must also be remembered that if our own merchants were to be paid for the losses they had sustained from shipping their goods in American bottoms, we must also compensate the merchants of other nations who had suffered similar losses. They must all regret the losses of these British merchants, but he could not help remarking that those losses would not have been sustained if they had taken the ordinary precautions of business men. The honorable member for Renfrewshire gave the house to understand that the British consul at New York indorsed the bills of lading of certain merchants, and thus gave, as it were, a guarantee that their goods would not be captured. He should like, he confessed, to hear Mr. Archibald's account of that transaction. He was one of the best men of business in either country, and he thought there must be some mistake. He could quite understand some of these merchants going to the British consul and asking him to tell them whether, if he indorsed these bills of lading, that would not show that they were the goods of British subjects. If the United States or the Confederate States had been parties to the declaration of the treaty of Paris, that a neutral flag should cover an enemy's goods, there would have been some use in such an indorsement. The United States and the Confederate States had, however, never been parties to that declaration, and the war was carried on irrespective of the treaty of Paris. Considering that these gentlemen were well aware that the Alabama was at sea, and that a great many other cruisers, legitimately commissioned, were roving about the sea, and knowing also that their goods were liable to capture if they were sent to sea in American bottoms, it would have been supposed that, as men of business, they would take the obvious precaution either of insuring their goods against war-risks or of shipping them in English bottoms. He hoped he had satisfied the house that the motion of the honorable member ought not to be adopted, based, as it was, upon unsound and fallacious grounds, and pledging the house, as it did, to an unlimited, undefined, and unjustifiable expenditure of public money.

The motion was negatived without a division.

No. 307.

General Schenck to Mr. Fish.

No. 577.]

LEGATION OF THE UNITED STATES,
London, June 11, 1874. (Received June 22.)

SIR: Referring to Mr. Moran's No. 473 and to Lord Derby's note to him of the 26th of March last, relative to the existence of a traffic in slaves carried on between Tripoli and Constantinople through Malta, I

have now to send you, inclosed herewith, a further communication from his lordship, with a copy of a dispatch on the subject from Her Majesty's consul-general at Tripoli.

This correspondence, while it tends to show a desire and endeavor on the part of the British government in good faith to suppress or discourage this clandestine traffic, discloses also the fact that practices are admitted to still prevail at Tripoli which are, in effect, a continuing connivance there with the detested trade, and that this connivance of the Turkish authorities is somehow successful and beyond the efforts of the officials at Malta to detect or prevent.

I have, &c.,

ROBT. C. SCHENCK.

[Inclosure.]

The Earl of Derby to Mr. Moran.

FOREIGN OFFICE, June 1, 1874.

SIR: With reference to the note which I had the honor to address to you on the 26th of March relative to the reported increase of the slave-traffic from Tripoli, through Malta, to Constantinople, I have now the honor to forward to you, for your information, a copy of a dispatch which has been received from Her Majesty's consul-general at Tripoli, in which that officer points out the difficulties which must always exist in the way of the entire repression of this traffic, but also expresses his opinion that it is on the decrease, and that there is no reason for supposing that the Malta police in any way connive at its existence.

A copy of Mr. Hay's dispatch has been forwarded to Her Majesty's minister at Washington for communication to Mr. Secretary Fish.

I have, &c.,

DERBY.

[Inclosure in inclosure in No. 577.]

Mr. Hay to the Earl of Derby,

BRITISH CONSULATE-GENERAL,
Tripoli, April 27, 1874.

MY LORD: In acknowledging the receipt of your lordship's dispatch S. T. No. 1, of the 26th ultimo, transmitting a copy of a note and inclosures from Mr. Moran, the chargé d'affaires of the United States, relative to an alleged slave-trade carried on through Malta between Tripoli and Turkey, I have the honor to state that nothing has come to my knowledge which would justify the imputation on the police authorities at Malta of having sanctioned or connived at a traffic in slaves being carried on through that island.

It is, nevertheless, a fact that Turkish functionaries and military officers of every grade leaving this port for Constantinople, whether via Malta or direct, are generally accompanied by domestic slaves, these latter being provided with passports by the mayor of this town, who is supposed not to furnish these documents until satisfied that the bearers proceed on the voyage as domestic servants and of their own free will. Under this system abuses have no doubt taken place, and these papers have often, I am informed, been furnished to the masters of slaves without any inquiries being made of the slaves themselves, a small bribe given by their masters smoothing all difficulties in the matter. Moreover, the slaves themselves are often willing and anxious to proceed to Constantinople, and assert that they are not slaves when they find that an admission of their real character would prove an obstacle to their departure. While at Malta they are still more unlikely to admit their state and demand their freedom than they would be here, in consequence of the belief generally prevailing among them—which is diligently kept alive by their masters—that the object of the Malta authorities in endeavoring to set them free is to convert them to Christianity; and they are otherwise induced by threats and promises to assert their willingness to proceed on the voyage, even when reluctant to do so.

With regard to the slave-trade in general, I am happy to be able to report a considerable decrease in the importation of slaves from the interior of Africa and their clan-

destine shipment from the coast, and a corresponding increase in the trade with the interior in ivory and ostrich-feathers, which would appear to be supplanting the traffic in human beings. The facility with which slaves are able to obtain their freedom under the administration of Samih Pasha, the present governor-general, together with other measures taken by his excellency for discouraging the slave-trade, has no doubt contributed in a great measure to this result.

Samih Pasha has, since his arrival in this country, shown great readiness and promptitude in emancipating slaves for whom I had interceded, and in several instances in which the slaves had, by my advice, made application directly to his excellency, they were also granted their freedom. Samih Pasha's conduct in this respect contrasts favorably with that of his predecessors. His excellency now assures me that he will take fresh measures for preventing the embarkation of any black people, unless of their own free will and as domestic servants.

Samih Pasha's action in the matter of slaves has a tendency to make him unpopular among Turkish officials, and the general impression is that it will not be viewed with much favor at Constantinople. It would, under these circumstances, have an excellent effect if the Sublime Porte were to express their approval of his honest endeavors to carry out the many vizierial orders on the subject which had hitherto been virtually disregarded.

I have, &c.,

F. R. DRUMMOND HAY.

No. 308.

General Schenck to Mr. Fish.

No. 590.]

LEGATION OF THE UNITED STATES,
London, July 18, 1874. (Received August 4.)

SIR: With reference to Mr. Moran's Nos. 478 and 498, I have the honor to forward herewith two copies of the "report of Commodore Goodenough and Mr. Consul Layard on the offer of the cession of the Fiji Islands to the British Crown," just presented to both houses of Parliament by command of the Queen, together with a report, taken from the Times of this morning, of the proceedings in the House of Lords last night on the subject of this annexation.

I am, &c.,

ROBT. C. SCHENCK.

[Inclosure 1 in No. 590.]

Report of Commodore Goodenough and Mr. Consul Layard on the offer of the cession of the Fiji Islands to the British Crown.

PEARL, AT LEVUKA, FIJI, April 13, 1874. (Received June 10, 1874.)

MY LORD: In the instructions issued to us by Lord Kimberley, desiring us to inquire and report on the offer of cession of the Fiji Islands to the British Crown, we are informed that four possible modes of action are open to Her Majesty's government:

- (1.) To invest the British consul with magisterial powers over British subjects settled in the Fiji Islands.
- (2.) To recognize the government which now exists in the islands, and which has already been dealt with, a *de facto* government.
- (3.) To establish a British protectorate over the islands.
- (4.) The assumption by Her Majesty of territorial sovereignty over the islands, and, as a necessary sequence, the constitution within them of some form of colonial government.

2. The objections to the third mode, which had appeared so strong to Her Majesty's government, we find to be even stronger than is suggested by our instructions. We have received evidence of the dislike with which it would be received by British residents, and we, therefore, do not suppose that your lordship will wish us to dwell further upon it.

3. As, in our opinion, the only remaining alternative lies between the assumption by Her Majesty of territorial sovereignty over the islands, and to invest the consul with

magisterial power over British subjects settled here, we will at once proceed to consider the second mode of action suggested by our instructions, and to give your lordship a sketch of the establishment of the present form of government in these islands, from which we believe that your lordship will conclude, with us, that it is very far indeed from being likely that any government can be established here which is, in any sense, native or indigenous, or which could become tolerable to the native or white planter.

4. In order to reply to an objection which might be made that the Sandwich Islands and the Tongan Islands are examples which may be quoted of success in native government, we may remark that, in each of these cases, a superior native chief succeeded in establishing his supreme rule before the advent of any number of Europeans; in each case missionaries preceded the trader or planter, and were able to instill a considerable amount of self-respect and culture into the natives; and in neither case has there been so rapid and sudden an influx of foreigners as in Fiji. In the Fiji Islands this great influx of settlers took place from and since the date of Colonel Smythe's report to Her Majesty's government. The fact of Colonel Smythe's mission, before his report was made known, gave British settlers a hope of annexation to Great Britain; and the faithful account given by Dr. Seemann of the fertility of the islands, and their suitableness as a new area for cotton-planting, stimulated the immigration which followed.

5. Fiji was still at that time, and up to a much more recent date, without any one head, as may be seen from Colonel Smythe's report, Mr. Thurston's correspondence on the Polynesian land question, 1868, and other documents. The chief of Bau was, however, besides being the undoubted ruler over a large area, the most influential personage over the group generally, and so continued up to August, 1871. Up to this time the white settlers generally, throughout the different districts, had sought to extend their own influence, and to maintain order, by preferring some local chief before all others, and then enabling him, by presents of arms or cloth, and other things, to extend his influence, so that he might be the judge of all native disputes brought before him, and also the medium through whom purchases of land might be made. They, of course, adhered to the chiefs who were already the most powerful, by birth or by the issue of native wars, and Cakobau's power, among others, was greatly due to this influence.

6. One chief alone was always an exception to this rule. Maafu, the Tongan, whose antecedents have been reported to the foreign office, made a position for himself, assisted, it is true, by one or two Englishmen, who attached themselves directly to him. He was frequently stopped in his career by the influence of the British consul, and but for this he would probably have been before now the principal chief of Fiji.

7. From about 1865, various attempts were made at different parts of the group, under the influence of whites, to establish the first principles of government; and Cakobau, Maafu, and one or two other chiefs were assisted by English secretaries—or perhaps we should say instructed by English secretaries—to draw up and issue constitutions. Thus there were constitutions of Bau of 1865 and 1867, laws of Tovata of 1867, and others; the secretaries to these chiefs being, in nearly every case, respectable and, in some cases, able men. There were, however, considerable districts beyond the boundaries of Bau or of the Tovata; and, as yet, no administration of justice had been attempted beyond the native magistracy of local chiefs.

8. The feeling of the white population that it was absolutely necessary to erect some sort of central government, under which law-courts for the recovery of debt and repression of crime could be constituted, now increased, and in 1869 the native chiefs seem to have been stimulated by the whites to send to Her Majesty's consul petitions for British protection. Various associations of whites were made, which, in turn, tried to erect a republican form of government, and obtain annexation to the United States, without success; and the first actual concession of legislative powers to whites appears to have been the granting of a charter by Cakobau to the white residents of Levuka, to make improvement in the local settlement by enacting bye-laws for imposing fines, &c. It is dated 21st November, 1870. This, however, was altogether insufficient for the purpose of inaugurating what was wanted, namely, a court of law; and the first successful attempt at the formation of a general government was made very shortly after.

9. At this time Cakobau's direct sovereignty was limited to Bau, to part of Ovalau, great part of the Rewa, and several central islands. His influence extended westward to Ba River on the north and to Suva on the south side of Viti Levu, far less, altogether, than half of Viti Levu, or a third of the group. It had appeared to be the interest of every one to uphold and extend that authority and influence; and both the claim of the United States for £9,000, and also the action of English authorities, had contributed to make him the principal chief of Fiji.

10. As we have said, the whites, throughout the group, had been anxious for a general government, but the merchants of Levuka, to whom many of the planters were in debt, were naturally the most eager for the establishment of courts of law; but the

immediate cause of their proceeding to active measures was the fact that a new line of steamers was advertised to run from Australia to San Francisco, and that it was most desirable to induce them to call at Levuka on their way. Some of the principal merchants subscribed to light Levuka harbor and to survey the northern entrance to the group, namely, the Nanuku Passage. They were further desirous of securing to the steamship company a small subsidy, and were at once met by the difficulty that they had often met before, that the co-operation might be promised, for this or any other scheme, but could not be secured.

About this time, viz, May, 1871, a Mr. Sydney Burt, who happened to have come here from Sydney, was Cakobau's commercial agent; a Mr. G. A. Woods, formerly colonial surveyor in New Zealand, was employed in determining positions for placing a light for the navigation of the Nanuku Passage; and a Mr. Drew was Cakobau's secretary. The resident whites seem not to have understood how to set to work to constitute themselves into a government, and seem to have combined with Mr. Woods and Mr. Burt to get Cakobau recognized as King of Fiji, and, under his authority, to form a ministry of seven persons, comprising two native chiefs, two principal merchants, Mr. Sagar, Mr. Woods, Mr. Burt.

11. These persons (for neither the chief Cakobau nor other native understood anything about it) assembled the foreign residents in Levuka by notice, and there read a speech, purporting to be from Cakobau, who was present, and announcing the nomination of his ministers and his intention to govern under a constitution by their aid.

12. It is greatly to be regretted that the gentleman who occupied the post of Her Majesty's consul at this time was not fitted, either by his knowledge of the islands or by a legitimate influence with the chiefs, to direct the course of affairs. The influence and authority, which should of right have been exerted by him at this moment, were not used to keep the chiefs and the British residents from making great mistakes. Had Mr. March possessed that influence and authority, we believe he might, on the one hand, have given such advice to the chief as would have insured his selecting trustworthy persons as ministers, and, on the other hand, have induced all residents to give the support to the laws, now for the first time introduced, as would have insured their ready acceptance.

The mistake now made, and which has led to many subsequent ones, was that the whole public, native and foreign, were taken by surprise. A general government was started without the general consent; and, consequently, although the whites in all parts of the group were induced, by their strong desire for a government of some sort or other and by fair promises, to adhere at first to what was then started; yet both whites and natives have held themselves free to disown and oppose the government so constituted whenever they thought fit, and to ask for its dissolution. But for the interference and influence of the house of Hennings in one direction, and that of Captain Chapman, of Her Majesty's ship *Dido*, in another, there can be little doubt that both Maafu, chief of Lau, and Tui Cakau, chief of the northern part of the group, would have separated from the government of Cakobau before this; and an organized resistance to the government on the part of the planters of Ba, Nadi, and Nadroga (the west extreme of Viti Levu) might possibly have been successful had it not been for Captain Chapman's intervention in February, 1873.

13. There can be no doubt that the personal unpopularity of Mr. Woods, who made himself the leader of the government movement, as well as an unnecessary and arbitrary assumption of authority by him, had something to do with the resistance offered to the government; but the chief cause of distrust among the whites was the subsequent spectacle of an extravagant expenditure of money on an elaborate form of constitutional government, which sensible men felt to be unsuited to the country. There was, beside this, a residuum of ill-disposed men at Levuka, who objected to all law, and who took advantage of the indifference of the respectable to make themselves prominent. These were a small fraction and entirely distinct from the body of planters and merchants who form the real bulk of the settlers.

14. This government having, however, made good its start, proceeded to invite white delegates, to consult with them, and also with the chiefs, who were induced to come down and adhere to the general government. The white residents consented, and sent delegates; and it is clear, from what has followed, that the idea in their minds was that the chiefs were to govern their own people, and that the whites were to invite the confidence of the people abroad by showing themselves capable of self-government, by developing the resources of the country, and by showing that the administration of laws could be secured. Such a body of delegates as was here assembled could not be expected, on the one hand, to understand much of law or constitutions; or, on the other, to have any particular predisposition in favor of natives. Their main motive was, of course, to advance their own interests, and, in matters beyond their immediate interests, they were easily led to abandon the country to an active and energetic man like Mr. Woods.

15. The delegates framed a constitution, and under the constitution a parliament was elected, and sat in 1872 and 1873. There was not, nor was there likely to be, any

deliberate intention of injuring the natives, but it was, perhaps, inevitable that a body of men sent up to guard the interests of white constituents should ignore the existence of a native, except as a payer of poll-tax, a possible laborer and a consumer of imported goods. The interests of natives were undoubtedly ignored to this extent—that they were left to shift for themselves, and as, on account of the imposition of the poll-tax, they had a right to have been, but were not, protected from the old-fashioned irregular imposts of native chiefs, they have suffered considerably by the inauguration of a new government. Their chief sufferings seem to have arisen from the power of the chiefs to force their people to labor, and also from the action of the government in giving over prisoners of war to white planters to labor, in consideration of yearly contributions to the treasury; but perhaps that which shows most clearly the evil of white domination was an act of the legislature of July, 1872, which authorizes the putting of Fijians to hard labor on conviction of non-payment of poll-tax, the hard labor being a service on the plantation of a white settler.

It is right to say that though this act passed the house, it was objected to by some of the planters, who felt it to be a policy which would bring them into collision with the natives.

Under this act, as well as under a regulation by which prisoners of war were hired out to planters, natives have been consigned to temporary slavery, and the spirit of the imperial kidnapping act has been violated.

16. The body of self-appointed ministers continued in power up to March, 1872, without giving satisfaction either to whites or natives; but now Mr. Thurston, who had been acting at one time as Her Majesty's consul and had the confidence of all parties, was asked, in the absence of Mr. Woods at Sidney, to take the chief place in the ministry. He consented, but on the return of Mr. Woods, that gentleman managed to retain his post as premier, to the great dissatisfaction of the white population.

17. To the continued want of frankness in financial matters on the part of the ministers, which was, of course, and rightly, ascribed to their inability to produce a satisfactory account, was now added a series of mismanaged native affairs, which threatened to embroil the whites with the natives to a greater extent even than the whites, by occasional strong measures against trespassers and by disputable land transactions with native chiefs, had embroiled themselves.

18. Still, Mr. Thurston's having taken office might have led to a better state of things, had it not been for Mr. Woods's continuance in the ministry, and also, it must be said, the continued bad success of planters with their cotton-plantations. With cotton at the high prices of 1868 and 1869, the majority of the people would have cared little how they were governed, or how much public debt was contracted.

Throughout the group more and more dissatisfaction was felt, and the dissatisfaction was met by defiance instead of by conciliation. Mr. Thurston seems to have been animated by the sincerest desire to maintain order and the administration of law, but seems to have insisted on making the theoretic unity of Cakobau's kingdom (an unity which was only brought into existence by the good will of the white planters) a foundation on which he sought to rest the exclusive right of Cakobau and his ministers to govern in the interest of the native population. A parade of this theory was not likely to advance their practical interests or to gain the assistance of the whites. Although the theory might deserve to be regarded with sympathy, we cannot find that, in practice, the native policy since pursued has in any way contributed to the comfort or welfare of the natives, who have openly come to us, on our journey about the coast, to complain of the impossibility of their living under the white government.

19. The state in which we find the islands is, then, the following:

A native chief has been raised to supreme power by the white population. In working a constitution under him the latter have found themselves, as a matter of fact, the disposers of the interests of the natives. A ministry, which at first rested upon the support of the whites, has, by raising an armed force, felt it possible to make itself independent of them, and has sought to govern the country on the theory of preserving native interests and treating whites as aliens. In the course of two years they have spent £124,000, and are £87,000 in debt.

The most respectable white merchants and planters have assured us of their inability to meet this debt unless an influx of capital takes place, the whole capital now invested in the country being about £250,000.

The chiefs have been induced to assume the responsibility of the debt, but could not possibly meet it, and, we feel, do not understand their liability. In the attempt to meet it the people would be reduced to worse slavery than has ever been the case before.

20. This is the state to which the government of the islands has now been brought, and we beg to reply in answer to the questions put to us by your lordship under this head.

Q. (1.) To what extent is the actual government acknowledged throughout the islands by either the natives or by the white settlers?—A. The present government is acknowledged throughout the islands by the natives and whites; but that which we

ound on our arrival was only able to keep its position by the aid which it received from the presence of one of Her Majesty's ships. But for our influence at this moment, Maafu would probably separate himself from the government and draw the chief of Tavinni, Tui Cakau, with him.

Q. (2.) Whether the resistance which has recently been offered to it is grounded upon a belief that it is not properly constituted, and has no sufficient title to the power which it affects to exercise, or to an objection to the persons now constituting the administration, such as would be removed by the substitution of persons possessing in a greater degree the confidence of the inhabitants?—A. Resistance seems to have been offered to it at first both on account of objections to the persons assuming posts of ministers, namely, to Mr. Woods and Mr. Burt, and also on account of the way in which they assumed those posts; and latterly, on account of personal objections to Mr. Woods and Mr. Thurston, and their extravagance and arbitrary acts. We do not think that the objections to the last form of government would be removed by the substitution of other persons, as the confidence of the settlers has been thoroughly shaken in all attempts at self-government, and we know of no persons in the impoverished state of the community, who are capable, by their trustworthiness, knowledge, and independence, to undertake the posts of permanent and nominated ministers satisfactorily.

Q. (3.) Whether there is a reasonable prospect that a government so constituted will possess stability, and will be able to preserve order and to punish crime?—A. There is no reasonable prospect that a native government can continue to preserve order. It is, indeed, impossible for it to do so.

Q. (4.) What securities would the Fijian government, if recognized, be prepared to give that slavery should not, in any form, directly or indirectly, exist in the islands; that kidnapping, whether carried on in ships under the Fijian flag or under other flags, should, as far as lay in their power, be effectually repressed; and that laborers imported from other islands should be humanely treated, and should only be employed in accordance with contracts freely entered into by them?—A. We have, however, asked King Cakobau's ministers the questions to which your lordship directed our attention. Though we have received no reply, we have no doubt whatever that an affirmative one would be given by the King and chiefs.

21. Should Her Majesty's government, however, determine on the continued recognition of a native government here, assisted by white advisers, with a view to full recognition hereafter when it can justify its claim to such recognition, then we are of opinion that Her Majesty's consul must, for the preservation of order, be furnished with discretionary power to exert magisterial authority, and to open a court, for which the following staff would be required: An assistant judge, a law secretary, four policemen, a gaoler, a boat's crew of natives. It would also be desirable to obtain from Cakobau a perpetual lease of his right to the island of Ovalau, so as to place it under municipal authority of white residents under Her Majesty's consul, although customs-duties should be payable to the Fijian government. Moreover, it would be necessary in such a case to send a ship to visit the islands frequently, and to employ a small vessel constantly, if the consul found it necessary to use his discretionary power.

22. Your lordship will understand the necessity for this when we say that we are of opinion, after due inquiry, that, if Cakobau were to die, or if Her Majesty's government do not resolve on accepting the offer of cession now made, a struggle for power would begin among the chiefs, which the whites, unaided by one of Her Majesty's ships or other evident force, might find it impossible to direct to a peaceful issue.

23. We may, therefore, reply to questions in this branch of our inquiry:

Q. (1.) Whether the government now holding power in Fiji would acquiesce in such an arrangement, or could properly be required to accept it?—A. The advisers of Cakobau might possibly object to such an arrangement, having an extravagant idea of their rights and responsibilities, but could properly be required to accept it, as the safety of many of Her Majesty's subjects would be in the balance.

Q. (2.) Whether the settlers of British origin would submit to such consular jurisdiction, or could be compelled to do so?—A. The settlers of British origin would gladly submit to the consular jurisdiction, and could be compelled to do so by the force above described, cases beyond the consul's power to deal with being removed to the supreme court at Sydney, in the same way that the consular courts in China and Japan used to work with the supreme court at Hong-Kong.

Q. (3.) In the event of such jurisdiction being established over British subjects, what would be the position of other persons of European origin not being British subjects?—A. The United States consul possesses magisterial powers already, and has used them until he found the local courts established. German settlers are all dependent on houses of business in Sydney, and would in all cases submit to arbitration of their consul or jurisdiction of the British consul. They are reasonable and law-abiding people.

Q. (4.) What would be the *status* of vessels owned by British subjects in Fiji, and whether, in the event of such vessels being placed for any reason under the Fijian flag, Her Majesty's government could practically refuse to recognize them, as having

thereby acquired any rights or immunities which they would not possess if they remained under the British flag?—A. We think that Her Majesty's government could interfere with such vessels were they infringing any British act, supposing that the consul had sufficient assistance; and we are sure that it would be necessary to do so.

24. If Her Majesty's government do not finally determine to annex these islands, the only course to be pursued is, in our opinion, to give to Her Majesty's consul the large discretionary powers and assistance above spoken of, with which he would have no difficulty in controlling the employment of Polynesian laborers, as Her Majesty's consul is now endeavoring, but without magisterial powers, to do. By the employment of one of Her Majesty's ships most of the plantations have been visited, and some abuses have been remedied.

The great majority of the planters have been gratified by these visits, which Commodore Goodenough has reported to the lords commissioners of the admiralty, and have been glad to see the abuses (which have not been frequent) dealt with in a summary manner.

We here feel it due to the great body of planters to say that, with regard to food, clothing, and houses, the Polynesian laborers are far better off than when on their native islands.

25. We submit to your lordship that, in the event of the refusal of Her Majesty's government to annex these islands, the discretionary power above spoken of should be conferred upon Her Majesty's consul without delay, as it is impossible to predict what may take place from day to day; and we think that this fact, taken in conjunction with the very brief sketch which we have given of the origin of the government here, furnishes the justification and necessity for giving such powers. But we need not point out that the use of these powers, and the interference of Her Majesty's consul in Fijian affairs, which the use of such powers would bring about, would amount to a protectorate, and would be a protectorate of an undefined and inconvenient character.

26. We now offer a reply to your lordship's questions under the head of the last of the four courses which are open to Her Majesty's government, viz, the acceptance of the cession of Fiji now offered.

Q. (1.) Whether Cakobau and the other native chiefs, and the native population generally, as well as the white settlers, desire and would acquiesce in the establishment of the authority of the British Crown over the islands? Full inquiry should be made as to the power and authority of the chiefs to make over the sovereignty.—A. We inclose a paper showing the express wish of Cakobau and other chiefs as to annexation to Great Britain. They have full power and authority to make the cession; and, were we to add anything to this, we should say that the lesser chiefs and people are more anxious for annexation than the high chiefs. Some of the latter have fears of their old rights of levying contributions of food, mats, and oil, &c., being taken away without recompense. But we find generally an unwillingness to dissent from an opinion of the superior chief. We have taken the greatest pains to insure our obtaining a real record of the actual wishes of the chiefs and people, and we consider the above-named document is as accurate a representation of that wish as can possibly be obtained. The white settlers are unanimous in their wish for annexation.

Q. (2.) What form of government is it proposed should be established in the islands, in the event of their becoming British?—A. We have not only endeavored to frame our own opinion as to what would be the best form of government for these islands, but have also consulted the principal planters and others, and we find the general wish of the great majority to be in favor of that of a Crown colony.

Q. (3, 5.) Is it supposed, having regard to the numbers and nationality of the white residents and of the native population, that responsible government, as it exists in the neighboring colonies, would be appropriate to Fiji; and if so, is there among the settlers a sufficient number of persons qualified to supply the materials for an elected legislature and for an executive government composed of members of that legislature?—A. (3.) We do not consider that responsible government in any form would be suited to Fiji, nor do the people, white or native, desire it. On the contrary, feeling the recent failure of representative and responsible government strongly, they unanimously wish for an executive appointed from England.

A. (5.) Although some of the inhabitants of Levuka think that a plan of representation, akin to that now in existence in West Australia, would be best suited to the circumstances of the group, the majority of the planters outside Levuka, who are generally in small isolated groups and at a distance, are in favor of the stricter form of Crown Colony, in which the legislation is composed, as in Singapore and Ceylon, of various officers of government, natives, planters, and merchants.

Our own recommendation is in favor of this plan, and it is obvious that it is more desirable from two points of view: first, on account of the absolute necessity that the governor should take upon himself the duty of the defense of the interests of the less intelligent natives against the inevitable pressure of an increasing white population; secondly, because the best and most industrious planters will not be found, at first, to

be willing or able to sacrifice their time for the public good, and the choice of a representative of the planting community would probably fall on a merchant or other resident of Levuka, who would be rather a delegate or advocate for the district which he represented than a representative of the general requirements of the country.

Q. 4. How, if at all, would the natives be represented in the legislature?—A. It would be advisable to give the native chiefs a strong representation in the government, to the extent of equal, or nearly equal, numbers with the white unofficial members in the legislative council. Their good-will would thus be gained, and the government would be fortified by their knowledge of their districts.

Q. 6. What would be the probable expenses of the government?—In the appendix we give a sketch of the government and its expenses, which should suffice to begin with, leaving the improvements and enlargement of departments to follow on an increase of population. An estimate of the revenue and expenditure of the present government is also appended.

Q. 7. What is the actual revenue now levied by the existing government? What are the sources from which it is derived? To what extent and in what manner can it be increased, and what amount of revenue can reasonably be calculated upon as permanent?—A. In appendix (Nos. 14 and 15) we give the actual revenue and expenditure of the government up to 31st December, 1873, distinguishing the sources from which the revenue is derived; but it must be remembered that this has changed continually, and that the "native taxes" have always disappointed the government.

The customs duties may be increased from $7\frac{1}{2}$ per cent. *ad valorem* on certain articles to 10 per cent., and the following spirits from 6s. 6d. to 12s. a gallon; wine, from 4s. to 6s. a gallon; tobacco, from 25 per cent. *ad valorem* to 50 per cent.

We think that a small tax on uncultivated land should be re-imposed, after a survey has been made, and that the tax on cultivated land should be a local tax for the support of roads, bridges, piers, and wharves within the province where collected. Both these have been lately taken off.

Q. 8. In what hands is the control over the revenue and expenditure to be lodged; especially how far such control, in any circumstances, be exercised from this country?—A. The control of such revenue and expenditure would be lodged in the hands of the governor in council, subject to the ultimate approval of the secretary of state; and it would only be necessary that control should be exerted by the secretary of state in cases of the contraction of a fresh loan or the undertaking of operations, public works, &c., which would necessitate a loan and a large expenditure.

Henceforth Fiji will probably be at a distance of forty days from England by mail, a lapse of time which would not seriously interfere with obtaining the authority of the secretary of state.

27. We append a statement of the whole indebtedness or liability of the country. We have informed the white residents of the amount, and they have declared to us, more or less formally at different places, their willingness to acknowledge their responsibility for it, as well as for the expenses of a future government.

28. We have been so fortunate as to obtain the assistance of two gentlemen, namely, Mr. Carl L. Sahl, a gentleman connected with mercantile firms in Sydney, and Mr. Thomas Horton, manager of the Fiji Bank, in the investigation of the accounts, and they have given us a report, which we inclose.

29. The greater part of the debt, in fact almost all, has been contracted for the purposes of the white settlers, and the portion which alone can be set to the account of natives has been used far more for the benefit of the native chiefs (and principally Cakobau) than for that of the actual people. The guarantees for the debt in general are laid upon the revenues of the country, the public lands of the country, and the private lands of the King; and we consider that the contribution of such lands, on the part of Cakobau and others, would be a sufficient share of the guarantee to fall on the natives. They contribute also to the revenue by their labor.

30. The extent of public land is, as will be seen, very small, and the chief security for one portion of the debt is what has been called the private lands of the King, but which are not strictly private. King Cakobau has rights of seignory over them, and is powerful enough to be able to remove and satisfy the population, but it is not more than a powerful lord of the manor. It would neither be just nor wise to allow the mortgagee to foreclose, but if the Crown could purchase any of them hereafter by private agreement it would be advantageous to do so.

31. With regard to the validity of the engagements entered into with the lenders of the money, as much as was borrowed by the issue of debentures was borrowed in due and legal form under an act of legislature. The debt to the Fiji Bank was incurred when that bank took up treasury notes. The whole of the charter to that bank is matter for dispute, inasmuch as there was no power to grant it, and also that the preamble gives as reasons for the illegal power exerted, that which is not fact, however much the framers of that preamble may have believed it to be so. Still we think that the advantages offered to and taken by the Fiji Banking Company were not so excessive as to invalidate, morally, its claim to confirmation, save and except the exclusive

privilege of banking and exemption from taxation, both of which are detrimental to the public interest, and should not be confirmed. The company is styled "The Fiji Banking and Commercial Company, limited." As a commercial company or agency it would have power to buy land and import merchandise. There is, therefore, a very strong objection to the latter part of Article 13, which confers to one company or firm the exclusive privilege of exemption from every duty, tax, and impost—a privilege equaled only by that formerly enjoyed by the East India Company.

32. The circumstances connected with the loan of £25,000, issued at Sydney, which produced £18,500, should be more fully related, in order that your lordship may have an opportunity of forming an opinion upon them.

On the 25th July, 1872, a bill (No. 31) which had been introduced into the legislative assembly of Fiji, was passed, empowering government to contract a loan of \$250,000 on pledge of public lands.

In pursuance of an authority given under this act, Mr. Woods, then premier, went to Sydney and endeavored to float the loan. The amount raised was to be used to take up former debentures to erect public buildings, and to engage in reproductive works. Mr. Woods found it impossible to place more than \$125,000, or £25,000, at 80 to 90 per cent., and could only float that sum by pledging all of what was considered Cakobau's private lands, as well as whatever existed of public land.

The persons who negotiated the loan seem to have had doubts of the freedom of any land to be devoted to such a purpose, and asked certain questions of Mr. Woods, who, on the 7th September, 1872, made the following replies:

Q. If the proposed security for the loan consists of land, can you show that such land has been specially reserved for such purpose?—A. The whole of the public domain is free of liability, saving and excepting 5,000 acres in the island of Ovalau. No lands have yet been sold by the government of Fiji.

Q. Describe the position and character of such land, with plans and full particulars. Also state when and by whom it was surveyed.—A. The territory of the kingdom of Fiji is comprised in seventy-two islands, containing an area of 4,450,000 acres approximately, out of which 800,000 acres are alienated to white corporations and settlers, and 600,000 acres are held privately by His Majesty the King, his chiefs and people, leaving a balance of over 3,000,000 acres of land, about 500,000 acres of which consists of barren and unfruitful lands, such as mountainous and rocky lands that cannot be cultivated. The lands have not been trigonometrically surveyed; they have been roughly surveyed and examined to test the accuracy of the admiralty and American surveys, and those surveys were found correct approximately last year by the New Zealand and admiralty surveyors, invited by the King and people to proceed there to survey and test the capabilities of the islands.

33. We have requested Mr. Woods to explain to us how he could give the negotiators to understand that large areas of public land existed, over which the security was to extend, and he, in reply, read to us a resolution of the privy council (composed at that time of Cakobau and other chiefs and the white ministers) which recites that the chiefs agree that measures shall be taken to restrict the native occupiers to the lands which they require for cultivation, and that all remaining lands shall pass into the hands of the government. If any attempt were made, even now, to proceed upon such a resolution, the greatest distress and disturbance would be the result. To proceed upon it would be to revolutionize the country and to attack the best known and most keenly felt right of the Fijians; and the resolution can only be looked upon as an attempt, by a number of white men, looked up to by their native colleagues as supremely wise in these matters, to create a property on paper which did not exist in fact, and could not be created without engaging in unjust war.

But when an attempt was made by the ministers, through Mr. Woods, to act upon the paper title thus created, another responsibility was incurred.

A case for opinion was submitted to Sir William Manning, of Sydney, New South Wales, by the negotiators of the loan, and Sir William Manning gave an opinion, of which the following is an extract:

"The first of Mr. A.'s points is that he is not aware of the existence of any crown or public lands sufficient and competent to form the subject of the mortgage on public lands which forms part of the securities. This of course depends upon matters of fact upon which I can have no knowledge. But it is clear that if Mr. A. be right, then the act (No. 17, cap. 2) on the subject of the disposal of the Government lands is a baseless enactment, while that (No. 31) by which the loan was authorized, 'on the pledges of such of the public lands as the King might assent to,' was equally baseless, and was a positive snare to the contemplated lenders; and so also the statement made to the lenders by the authority of the Government, as to the existence of large areas of public lands over which the security was to extend, was a falsehood and a delusion."

We cannot do otherwise than concur in Sir William Manning's opinion, and we add that the area of public lands, which is now, after great efforts have been made by the chiefs, nominally 450,000 acres, was in 1872 only about 10,000 acres, exclusive of 5,000

acres already mortgaged ; also that the right and power of government over this land was by no means undisputed.

34. We now pass to the consideration of the force which would be necessary to be employed for the preservation of life and protection of property. We have found in the employment of Government a force of 750 men under 18 Europeans of all classes. The former are natives of Fiji, with the exception of a few Tongans. They drill and march well, and are stated by Mr. Swanston (late minister for native affairs) and other Europeans who were with them, to have shown courage and steadiness in a mountain campaign last year, (1873.)

The only purpose for which they are likely to be called into play is to subdue the remaining mountaineers, and to enforce the payment of taxes. The whole native population is estimated at 140,500, and the mountaineers at 20,000 ; and the whole force employed last year was 12 to 16 Europeans, (officers and volunteers,) 160 drilled natives, and from 1,000 to 3,000 auxiliaries. This force was found to be sufficient to pass without a check to the heart of the mountain tribes, with but slight loss, and to capture and burn all the villages they passed.

35. We do not consider that for ordinary purposes a larger force than 300 native police would be required, under 6 Europeans. The necessity for the employment of so large a number as 750 has been urged upon us by the ministers, who, although they rested their right to govern upon the theory of their being a native government and the protectors of natives, have yet found it necessary to exhibit military force at the collection of taxes. This ought to, and would, be unnecessary under a proper government, and the numbers named above might be diminished to 300 ; or, if kept up would be sufficient for a larger white population, employing a much greater number of laborers than at present. Among these it may be expected that crimes would increase with an increase of numbers.

36. The subjugation of the mountaineers and their partial removal to other parts might be a necessity during one of the first years of a colonial government, and this would very easily be effected by mustering and drilling about 400 men in November, and giving instructions to the friendly towns farthest inland to provide food by growing extra yams, &c. This force should begin its work in May, and would completely, and with ease, remove all the remaining mountain villages, which are likely to give trouble, in a single short campaign, always supposing that the approach by more friendly methods were rejected. Fijian soldiers, with a small number of Europeans as leaders, would be ample for this purpose. A few of the naval and marine officers on the station could well undertake the command of such a temporary force, and satisfactorily conclude the campaign with a minimum of bloodshed, and, the object being to make the interior secure to future settlers, the expense might be borne by Her Majesty's government.

37. The cost of the police force of 300 men should not exceed £3,000 a year. Besides the police force, it would be well to have two small colonial vessels for mail and police purposes ; and for the first two or three years, one of Her Majesty's schooners would be of great assistance to the executive for the regulation of the labor-traffic. This vessel would be available for visits to the New Hebrides, where twenty to twenty-five English settlers are already established, who have no consular officer or other supervision.

38. We think that the commission of the governor of Fiji should give him authority over the persons and acts of British subjects in the New Hebrides and the Solomon Islands, or the islands of the Pacific south of the equator and west of the meridian of 168° west longitude, (except New Caledonia and the Loyalty Islands, which are under the French flag.) This would be very satisfactory to Englishmen living in those islands, who would then be able to refer their disputes to the courts of Fiji, and would be able to register vessels and take out licenses to carry laborers in a regular way, whereas they are now doing so either by stealth or through the fiction of a French flag and registers obtained from New Caledonia.

Your lordship will remember that the abuses in the labor-traffic have taken place through the rapacity of the ship owner or master, and should not be laid entirely or chiefly to the account of the planters, who, as we have before remarked, treat their laborers, for the most part, kindly.

In the New Hebrides group of islands, laborers are easily hired to go from one island to another, although they cannot be persuaded to work on the island of which they are natives ; and a distinct set of licenses is required for this inter-island traffic. The experience of the Fijian colonial local officers would enable them to regulate such a traffic. The formation of a center of law and order could not fail to have a good influence in this part of the South Seas, where the number of adventurers in various pursuits is yearly increasing ; and, in consideration of the duties to be performed by the executive and courts of law, some assistance might be given by the imperial government to the future colonial government of Fiji.

39. We have made the native tenure and ownership of land in Fiji the subject of attentive study ; and have obtained from Mr. John B. Thurston, and also from Mr. C. R.

Forwood and other gentlemen, explanations and papers on this subject worthy of consideration. These will put before your lordship the state of native tenures, prior to whites coming here. Purchases have been made from natives to a large extent, as will be seen by an accompanying statement, but there remain still considerable tracts of unoccupied lands, though, as is said with perfect accuracy by Mr. Pritchard, formerly Her Majesty's consul in Fiji :

"Every inch of land in Fiji has an owner. Every parcel or tract of land has a name, and the boundaries are defined and well known. The proprietorship rests in families, the heads of families being the representatives of the title. Every member of a family can use the land attaching to the family. Thus the heads of families are the nominal owners ; the whole family are the actual occupiers. The family land maintains the whole family, and the members maintain the head of the family."*

40. In order to make a purchase secure and beyond the possibility of dispute, present customs would require the assembly of the following persons, viz : The great chief or his representative, the lesser chiefs, and the principal men of the adjacent town. These should walk over the land, define it, and conclude the sale on the spot. The natives should then build a house or plant yams for the purchaser, in recognition of his lordship over the soil.

The strict value of the rights of each party to this agreement varies according to the power of the chiefs in different parts of the group. In some places the chief would be strong enough to make the sale alone, and to give possession to a foreigner, receiving all the purchase-money and removing the natives by force to other lands ; but, in general, as things now stand, if the purchaser were to deal with the great chief alone, he would only buy his rights as lord of the manor, or whatever they might be, and would not acquire exclusive possession of the soil.

On the other hand, were he to purchase from the people without consulting the superior chief, he would not be recognized by the latter, who would probably try to sell over his head.

Since the formation of the government here in 1871, regulations for the issue of Crown grants have been made and acted upon. Mr. Thurston has asked that the Crown grants already issued may be confirmed, but we are of opinion that each case should be examined afresh on its own merits. Apart from the question of the legality of these Crown grants, which is more than doubtful, we know of the issue of a Crown grant on very disputable grounds. Not more than twenty such grants have been issued.

41. We are informed by the existing government that at one of the early meetings of the chiefs in council after the formation of the present government, a resolution was agreed to by which all the natives were to be gradually confined within limits of land sufficient for their support, and that all lands outside these limits were to be considered government property ; but nothing has followed this resolution. We mention it again because we wish to point out the dangers which would have resulted had it been carried into effect. To interfere with the possession of land in this way would be to attack one of the oldest and best-understood rights of the natives, and would entail the prosecution of a most unjust war.

No chief had either the right or power to dispose of the land of the lesser chiefs and people, without their consent, in this wholesale fashion. It is true that much of the land is uncultivated and unoccupied ; but, of course, the natives who could show just claim to it have a right to its disposal. The only sense in which the resolution above referred to could be acted upon would be the following, and that only in future years, namely, that after a liberal appropriation of land to a town or village, a small tax should be laid on the unoccupied remainder laid claim to, with the option of selling to government on valuation, and this could only be done if the same principle were applied to the unoccupied land of white proprietors.

Many portions of land now claimed by whites are still held on doubtful tenure, and are in dispute, either with natives or with other whites, and these doubts arise either from the incomplete manner in which the purchase was first made by whites, or from the very incomplete survey taken of the islands when the purchases were made ; there being some instances in which the purchase was made from the wrong persons, and others in which the title-deeds of adjacent properties set forth that their boundaries extend along lines drawn at right angles to the shore. Thus where the shore is irregular, a segment, common to both properties, is included in each title-deed.

42. Hence it will be evident that the first step in the land-policy of a colonial government will be the accurate survey of the islands ; and we suggest that the hydrographic portion should be completed by Her Majesty's government, if the local government undertakes the cadastral survey.

43. Replying, then, to the questions which your lordship has proposed to us :

Q. (1.) Whether the title to land is fully vested in the King and chiefs ?—A. The title to the land is not fully vested in the King and chiefs.

Q. (2.) Whether there are any tribal rights or local customs which affect or limit

*Pritchard's "Polynesian Reminiscences," page 242, 1866. Chapman and Hall, London.

their power to grant and dispose of it?—A. Their power is limited by custom, though the limits have often been disregarded where a powerful chief has been offered a sufficient inducement by a European, as well as in course of native customs and *casus*.

Q. (3.) Whether it is proposed that unalienated land shall be absolutely surrendered to the Queen, or shall continue to remain in the hands of its native owners until conveyed to private purchasers?—A. It is proposed that certain lands shall be conveyed to the Queen, but that all other land should remain in the hands of the native owners until private purchasers, or the Crown itself, become the possessors, in the mode we have above indicated for future consideration. It would be most desirable that no purchase should take place from natives, but through the intervention of the Crown, as in New Zealand.

Q. (4.) On what terms and conditions is land now occupied or owned by white settlers?—A. For the most part, the land held by white settlers has been purchased. But there are exceptions to this rule, in case of land which is called the private property of Cakobau himself, and also in the case of the land under authority of Maafu, in the Windward Islands. This is held by Europeans on long leases of forty to fifty years.

Q. (5.) What proportion of the land in the islands is in such occupation, and what amount remains available for future settlement?—A. The proportion of land in the possession of whites is given in an inclosed schedule, which we have had corrected from a table prepared by the government. Most of the best lands have, of course, been already secured, though not all cultivated; but there remain large areas of good soil, fit for coffee, cotton, sugar, &c., in the hands of natives, in addition to the large acreage of first-class land conveyed to Europeans, but uncleared, (as shown in schedule,) much of which would be sold, on annexation, to clear the remainder from incumbrance, and to obtain capital for renewed enterprise.

45. We can add nothing to the excellent report of Dr. Seemann on the capabilities of the soil. His predictions have been amply fulfilled by experience.

The natives have cultivated nothing but their own food and a few necessities for centuries past, but Europeans have grown cotton with success, until the heavy fall in price, which has reduced many of them to absolute poverty, and has prevented their embarking in new industries.

A single sample of ten tons of sugar has been produced and sent to Australia, and two mills are now being erected, three more having been ordered. Every planter is making an experiment of a small acreage of cane, of which there are several indigenous varieties of good quality; and men who have experience of cane-growing in Queensland and in the West Indies have pronounced a very favorable opinion on the quality of the Fijian cane. There can be no doubt whatever that sugar will be the chief industry of the best lands of Viti Levu, Taviuni, and Vanua Levu, while cotton remains the staple produce of the Windward and smaller islands.

We have been assured by representatives of good houses in Sydney, that they are prepared to advance money to planters for the cultivation of sugar, and to erect crushing-mills immediately, if it were known that the government would be taken by Her Majesty. On the other hand, we are assured by many planters that if the country be not annexed, they will not obtain advances and will be obliged to leave the islands.

46. Your lordship will observe that though a large area of land (854,956 acres) is owned by whites, yet only 16,524 acres are under cultivation. This cultivation employs a population of 1,500 whites, and, therefore, we may suppose that if the whole were under cultivation, about 25,000 whites would be employed, and that the laborers, all or nearly all of whom must be imported from other parts, would increase to 200,000 or 250,000.

The lands not yet cleared include a great portion of the very finest soil, both on the Reiva River and also on Taviuni, admirably fitted for sugar-plantations; also other land well adapted for coffee and spices.

47. In connection with this subject we have considered the possibility of an English population retaining a healthy condition in these islands. We inclose a report by Dr. A. B. Messer, staff-surgeon of Her Majesty's ship Pearl, by which it will be seen that there is at present no disease in the islands, except dysentery, which, in many cases, is distinctly traceable to the influence of insufficient animal food and immoderate use of spirits. Families of British subjects are numerous, and although it cannot be said that children are so strong as in more temperate climates, yet they are healthy. Many settlers follow their employment as planters, overseers, and laborers all day in the open air, but we have not heard of a case of heat-apoplexy.

48. Tables of shipping and commerce, made out in the government offices, are appended to this report.

49. We have nothing to add to the statements previously made to Her Majesty's government, and published in England, on the subject of the claim of the United States against King Cakobau—a claim which was unfairly made and unfairly pressed, and which has led to speculations of a questionable character.

50. The Melbourne association, called the Polynesia Land Company, has been put in possession of 90,000 acres of, not the best, but, generally speaking, fair land. It claims 110,000 acres more.

A copy of a charter from King Cakobau to the agents of the company is inclosed, together with a resolution of the cabinet.

It appears by published papers that the promoters of the scheme were fully warned by Mr. Thurston, then acting British consul, of the inability of Cakobau to carry out the engagement which he entered into with them, and of the futility of his promises. It seems fair, however, that the subscribers of the £9,000, which was actually paid to Cakobau, should not lose, and that a commission should settle by arbitration the amount of land to be handed over to complete what is due to the company. Very little of the land given to it is as yet occupied.

If about 20,000 acres of fair land were handed over in addition to that already held, we think that the actual subscribers would probably be fairly remunerated, though it is, we think, a matter on which only a duly-qualified commission should pronounce an opinion.

The whole of this matter (that is the Polynesia Land Company) has been treated of in the report of Colonel Smythe in an excellent article on Fiji by Captain Hope, R. N., in Blackwood's Magazine for July, 1869, and in an appendix to "Fiji and the Fijians," by the Rev. James Calvert, Wesleyan missionary.*

It is impossible that there can be a second opinion as to the injustice of the claim of citizens of the United States to the sum of £9,000 exacted from Cakobau.

51. With regard to the imposition of a land tax, we find that taxes on land have already been levied and assented to, those lately in force being 10 per cent. on assessed annual value of lands of absentees, and $2\frac{1}{2}$ per cent. on assessed annual value of lands of residents. But we should add that, with a scattered group of islands such as this, it would meet the wishes of residents, and seem just that all taxes on cleared lands should be local, and for the maintenance of local public works, all of which should be under local boards, and that the tax on uncleared land alone should go to the general treasury. The tax on uncleared lands would thus decrease as the prosperity of the country increased, and would merely be an inducement to holders to sell their land to those who intend to be actual occupiers. The land tax could not be reckoned on as a large contribution to the public revenue.

52. Your lordship has particularly directed us to ascertain and point out what position the chiefs would hold if the islands were brought under the British government.

We have made very lengthened explanations to Cakobau and others of the native chiefs, and have ascertained, both from themselves and from independent whites well acquainted with their habits and modes of thought, especially Mr. Thurston, what their real wishes would be.

We inclose a statement of those expectations, made out by Mr. Thurston in the names of the chiefs. The latter understand little or nothing of these matters and of amounts of money, nor do they nor can they foresee the effect which the advent of a colonial government and the increase of foreign population will produce on the old native customs and respect paid to them.

The chiefs are obliged to trust their future to Her Majesty's government, (in Cakobau's own words to us, "He trusts in the generosity and justice of Her Majesty's government,") and they ask white advisers to help them to secure their interests, which in this matter Mr. Thurston has faithfully represented.

The old position of the great body of natives toward their chiefs is one of undefined serfdom, moderated by certain customs. A chief has food brought to him and to his followers, and has always been accustomed to exact contributions of mats, oil, &c., from those who look to him as their head. These contributions, which are necessarily vexatious, because uncertain and arbitrary, have been and are still made at the present time, and are greatly valued by the chiefs as perhaps the greatest proof of superiority they can show. We have endeavored to explain to them that this could not be allowed to continue in force under a British governor; but we doubt whether our assurances are either fully believed or understood. The idea is still new to them, and it is certain that the system can only be altered for one of direct salaries very gradually.

Any abrupt general change in this direction would weaken the authority of the chiefs, who are now, and should be for some time to come, the rulers of their own people under the central government.

The old system should, in short, be allowed to exist on sufferance, unacknowledged, but, except in the case of extreme exactions, not interfered with. To abolish it would be to take away the foundation of social order. It will die out as the European population increases.

53. There can be no doubt that, of necessity, the authority and ease of a chief's position must vanish unless he is utilized in the administration of the government of

* "Fiji and the Fijians," by James Calvert: 1870. Hodder and Stoughton, 29 Paternoster Row.

the natives, and that, even when he is thus made use of, he will gradually lose many of his old privileges.

From this point of view it does not seem to us that the sums asked for the chiefs, which may at first seem large, are excessive.

It is certain that they must gradually lose their customary tribute, and unless there be something to replace this, which is of great value as being such a forcible and evident proof of chieftainship, their authority must suffer.

54. In explanation of the item of £1,000 asked for Cakobau to purchase a vessel, we may explain that two vessels which he once possessed have been lately wrecked, and that it is his great desire to have another, as he alone of all the higher chiefs is without one.

55. We think that the continuance of £2,000 a year to Cakobau's successor should be contingent on his doing the duties of native governor of Viti Levu.

56. The white persons referred to in this stipulation for compensation are, (1st,) Mr. C. St. Julian, the present chief justice. He was formerly law-reporter for the Sydney Morning Herald, in Sydney, and was specially invited to come here on assurance of an income of £750 a year. He was not educated for the bar. We do not think it would be advisable to retain him in his post, but we think that on account of his services, and as he cannot return to his former position in Sydney, he is entitled to some consideration; (2d,) Mr. T. H. Garrick, associate judge of the supreme court, has been regularly called to the bar. He was invited to come here on assurance of a salary. He might be advantageously employed under government, but we do not think he has any claim to compensation, if not so employed, beyond a fair allowance for loss of time in seeking other employment.

57. Your lordship will observe that there is no mention made in this paper (Appendix No. 2) of Maafu, who was and is still the chief of the Windward Islands, and it is necessary here to explain the omission.

Maafu, as your lordship may be aware, is a Tongan chief, who came to Fiji about 1848, and who has by tact and force made himself master of the windward part of the group. There can be no doubt that had it not been for the influence of white men, and for the direct interposition of the foreign consuls and ships of war, Maafu would before this have been the principal if not the sole chief of Fiji.

His rule in his own district is more absolute than that of any other chief, and he shows greater ability than others in governing his people, as well as in the management of his property.

The Fijian chiefs have always been jealous of his influence and position. They sought to make use of British influence to get rid of him in 1862, and are now again most desirous of having him turned out of the country, thinking no doubt that they will be able to make use of our presence here to do so.* In his own district, however, he is greatly looked up to, and is not disliked by the lesser chiefs; and he is respected and liked by the white planters.

Some time since we explained to Mr. Thurston, as King Cakobau's adviser, that Her Majesty's government could only look upon those people as chiefs whom they found actually exercising authority as such, and there can be no doubt that Maafu is a chief, and the undisputed chief of the Windward group of islands.

He was not present at the signature of the document containing the offer of cession, as he had quitted Levuka before the offer was made; but he had already given us a paper, confirming his spoken wish and opinion, that the islands should be offered to Great Britain.

We think that he would be the proper person to retain in the position of chief of Lau, or the Windward group, though he has not attempted to make terms for himself.

He has hitherto been in nominal receipt of £800 a year, and has probably made much more than that by contributions from natives. We think that he should receive as much as Ratu Abel or Tui Cakan, if an English collector and magistrate be appointed to assist him.

Ulu Lakeba, the chief named in Mr. Thurston's paper accompanying the offer of cession, is simply a chief of the island of Lakeba, and has acted hitherto under Maafu, against whom he dares not do anything.

It is true that Maafu is a Tongan and a stranger, and that he did not inherit his land, but acquired it by force, stratagem, and judicious alliances; but, except that Cakobau is a Fijian, and therefore of the same blood as the rest of the people, his position in, and claims over, the Yasawas or Leeward group are no better than those of Laafu over the Windward Islands.

It would please the Fijian chiefs to see Maafu expelled, but the rights of the latter in Lau are as good as many of theirs elsewhere, and his personal government of his own portion of the group is much more real and evident than that of any other chief in Fiji.

* See "Selman's Mission to Fiji," chap. xv.

58. The system under which the local government is at present carried on in the provinces is the following: It does not seem to have contemplated doing more than the collection of taxes and the rough administration of justice.

The islands, up to the beginning of this year, were divided into twelve provinces, and in each province a native chief was appointed as governor, with an European secretary. The secretary received £200 a year, and the governor (contingent on his getting in all his native taxes) was to get £300 a year. An unpaid warden of each province was appointed from among the white planters, many of whom were made justices of the peace and sat on the bench with native colleagues.

About January last the government endeavored to establish commissioners with more complete control over the districts than the wardens had had; these commissioners were to be paid £300 to £400 a year. They were to have complete civil and military control over natives and foreigners, and to hold a court assisted by a native colleague.

We do not think this scheme advisable or necessary with the present limited population. We consider that the establishment of a stipendiary magistrate in the more thickly populated districts, and the renewal of the issue of commissions of the peace to white planters in other parts, would be sufficient for the maintenance of order.

59. Your lordship has asked for a statement of the moral condition of the native population, and has adverted to the crime which existed at the time of Colonel Smythe's report. The improvement since that time has been very great indeed. Of the 140,500 which constitutes the outside limit of the native population, 120,000 have lotued, namely, professed a wish to become Christians and have accepted a Christian teacher. They are docile and fairly intelligent, and are physically stout, well-built men, of larger frames than the inhabitants of the New Hebrides or Solomon Islands, and quite equal, if not superior, to the inhabitants of the groups of islands to the eastward. There can be no fear whatever of a collision between them and white planters. Among these the practices of cannibalism, strangulation of widows, and infanticide have wholly ceased. Among the Kai Colos, or mountain tribes, who are variously stated as numbering 10,000 to 20,000 people, it is believed that these practices still continue, though there are some families who have never, from time immemorial, followed the custom of eating human flesh. The Kai Colos are confined to the mountains of Viti Levu only.

Our estimates of numbers have been taken from missionary sources. The chairman of the Wesleyan Mission Board, the Rev. Frederick Langham, who has very kindly assisted us on several occasions, has told us that the returns of attendants at church worship number 113,000. These returns, which are sent in by native ministers and teachers, are in fact a census, as every person in a "lotued" town goes to church and every woman takes her child. The estimate arrived at from this source is the same as that given us by Mr. Thurston, and appears more definite and exact than could be expected.

60. We cannot speak of the missionary body, which has labored for some thirty-eight years among these people, without recording our admiration of the zeal, intrepidity, and devotion which have characterized their work here. It is to the influence of their teaching that the great progress which we have recorded is due. We have visited the schools and training-institutions which they have established, and have found them to be thoroughly well-conducted and adapted to their purpose. We have been informed that it is intended to erect a school for sons of chiefs, in connection with the training institution at Navuloa, and we heartily commend such an establishment to the protection of the future colonial government, should Her Majesty think fit to accept the cession now made.

61. The estimate of the numbers of Kai Colos is a very uncertain one, and we believe it to have been overestimated. The Rev. Mr. Langham thinks that they may number about 7,000. These tribes are scattered, have continual quarrels with each other, and are not in the smallest degree dangerous, although their depredations might become annoying. They have been very rarely visited by white men. We have before pointed out that they should be visited by an armed force and should be summoned to "soro," or give in their allegiance to the government, and that teachers should be sent among them.

62. We may mention here that, during 1873, some of these Kai Colos were taken prisoners, were tried for treason and rebellion, and, after being sentenced to penal servitude for periods of from three to seven years, were offered to planters as laborers, under certain regulations, for a hire which was to be paid to government. This was considered by Commodore Goodenough as a form of slavery, and he issued warning to British subjects, which stopped the hiring of these men. They remained as prisoners in various districts, living in temporary huts; and allotments of land, on which they can build and plant, must be found for them, as it might be unsafe for them to return to their own villages. They number about 1,000 men, women, and children.

Under old native customs such prisoners as these would have been allotted to the

victorious party as domestic slaves for life. Under this government they have been allotted to work for a fixed period as field-hands.

63. Commodore Goodenough has sent to the lords commissioners of the admiralty a chart of the Fiji Islands, upon which all the latest information has been collected by Navigating-Lieutenant Henry Hosken, of Her Majesty's ship *Pearl*; the emendations to the hydrography having been taken from his own observations and those of Mr. Cox, commanding the Wesleyan missionary vessel *Jubilee*; and the greater part of the topography from a map constructed by Mr. J. B. Thurston, from his own observations. We have shown upon this chart the places we have visited, and we request that copies of it may be appended to this report when the chart is printed.

64. We have now given replies to the questions put prominently forward in our instructions; and, in conclusion, we beg to assure your lordship that we can see no prospect for these islands, should Her Majesty's government decline to accept the offer of cession, but ruin to the English planters and confusion in the native government.

As a crown colony, we think that Fiji would certainly become a prosperous settlement.

In addition to the great advantages of soil and climate which we have enumerated, the geographical position of Fiji has caused it to be chosen as a place of rendezvous for the steamers performing the mail service from California to New Zealand and New South Wales.

With the single exception of the beautiful and fertile island of Tavinui, the coasts abound in secure and admirable harbors, well known to the residents, and only requiring the continuation of an accurate survey to make them accessible to strangers.

We have the honor to be, my lord, your lordship's most obedient humble servants,

JAMES C. GOODENOUGH,

Captain and Commodore 2d Class, Commanding Australian Station.

E. L. LAYARD,

Her Majesty's Consul for Fiji and Tonga.

To the Right Hon. the SECRETARY OF STATE FOR THE COLONIES.

[Inclosure 2 in No. 590.]

[From the Times, Saturday, July 18, 1874.]

THE FIJI ISLANDS.

HOUSE OF LORDS, *Friday, July 17.*

The Earl of Carnarvon, on rising to call attention to the report of the commissioners on the cession of the Fiji Islands to the British Crown, said:

MY LORDS: I wish, in the first place, to make a sort of explanation in reference to what might otherwise appear to be an intentional departure from an engagement. I asked a few evenings ago to lay the papers connected with this subject on the table of your lordships' house in sufficient time to enable noble lords to read them before I made my statement. I promised to do so; but since then I have found that, owing to some mistake, they were not delivered to your lordships till this morning. That being so, however inconvenient it might have been to defer my statement, I would not have proceeded with it without the consent of noble lords who have taken an interest in these islands. It is owing to their forbearance I now proceed to make a statement to your lordships, which I will endeavor to render as brief as possible. Your lordships are aware of the geographical position and character of the Fiji Islands. Their history and present state may be shortly described. It is some twenty years since they were colonized by English settlers who had come from adjacent colonies. Some of these colonists bought land and set about improving the places in which they now live; but, as is sure to happen in all such cases, jealousies sprang up and difficulties were experienced, and from time to time appeals have been made to this country to take the islands under its direct protection. The first formal proposal for a cession dates back, I think, to 1859. At that time Consul Pritchard, acting very much on his own authority, encouraged and indorsed a cession of those islands. I think Lord John Russell was colonial secretary then, and he declined the offer. In the following year Colonel Smythe, a very distinguished officer, was sent out to inquire as to the advisability of annexing those islands. He drew up a report, which is now in print, and in which, on the whole, he gave his opinion against our accepting the cession. Two years after, in 1862, the offer was definitely declined. Time passed, and in 1870 a conference of Australian colonies was held, a noble lord who took a great interest in this subject presiding over that conference. The opinions then expressed were very favorable to

annexation. In 1871, a formal offer being then made, it was again declined by my noble friend, the Earl of Kimberley, who was then at the colonial office. In 1872 the offer was once more renewed, and my then noble friend, in consequence of the interest which was then felt in the matter, sent out two commissioners, whose report is now on the table. I should here state that from about the year 1865 repeated attempts had been made in the islands themselves to establish some form of government. In 1871 a constitution was established, and it was, I think, a constitution not at all fitted to the circumstances and the people. It was an imitation of the system of government in this country, and the machinery of a constitution was applied. With the government in operation, a certain number of white settlers came to the head of affairs. No doubt that form of government was established with the view of securing the pre-eminence of the white settlers over the natives. But, as is often the case in such attempts, that wish was frustrated. Those at the head of affairs having armed a native force, oppressed the white settlers, and pursued a course of still greater oppression toward the natives—oppression so great that it drove some of those people to commit suicide. There were disorder and confusion all around. Such was the state of things when the commissioners appointed by my noble friend arrived there, and there can be no doubt their presence at such a time was beneficial. Immediately before their arrival there had been a change of government; but this second government succeeded no better than the first. After several meetings, at which fresh offers were made, the commissioners brought matters to an issue, and ascertained that the unanimous feeling of the settlers was in favor of a cession of the islands to this country. I do not mean to say that the report of the commissioners is, in my opinion, an altogether satisfactory one. I do not think the calculations of the commissioners are so reliable that we can trust to them on all important points, and I do not think the mode in which the cession is proposed to be made is one to which your lordships would be disposed to accede. But the report is before us, and we must deal with it, and it is my duty to lay before your lordships the view which Her Majesty's government take and the decision at which they have arrived. The question is, what course ought to be taken? In considering this I wish to draw attention to no fewer than four considerations. The first is that of the different alternatives in the form of a government; the second is the probable objections to a cession; the third is the reasonable arguments which may be urged in its favor; and the fourth is the conditions of acceptance if a cession is to be accepted. As to the alternatives, I see four. One of them was indicated in the dispatch of my noble friend to the commissioners. I refer to the establishment of consular courts—a plan which has been tried in Japan and China. Now, at best, such courts only exercise a feeble and inadequate control. In the case of these islands, such a plan could be regarded as no more than a stop-gap at best, and ultimately it would be necessary to substitute another form of government. The second alternative is one which seems to have found favor with my noble friend opposite, though there has been a somewhat doubtful experience of it in other instances. I allude to the annexation of those islands to some of the neighboring Australian colonies, to be governed by the colony to which it was annexed. When my noble friend suggested that, no doubt he had before his eyes one or two precedents which had not been successful. The colony of South Australia does at this moment hold a dependency in a district of North Australia, at a thousand miles' distance by land, and the difficulties of government arising from such a distance by land are not less than would be the difficulties arising from a distance of a thousand miles by sea. There was another instance—that of a new colony in South Africa, the government of which was to have been administered at the Cape. However, that scheme has never been carried out, and the new colony was still administered by the colonial office. There is an objection to this plan on another ground. As it seems to me those colonies in Australia are not yet arrived at a state of development which would fit them for administering the government of fresh colonies. Their own institutions are not arrived at such a stage that they could conveniently or in a satisfactory manner discharge such a trust. That is my view of the matter. The third alternative is to at once make the islands a crown colony. I can only say that if we are to accept them no form of government can be entertained for them but that of a crown colony. Looking at the past history and to the future of those islands, I should say that a crown colony of a rather severe type is the form that should be adopted. There remains the fourth and last alternative, namely, leaving the islands to themselves. My lords, I think this last alternative is simply impossible under present circumstances. Civil war in those islands has been prevented only by the presence of one of the ships of the royal navy. There are English settlers there in such numbers, English capital is so largely embarked, and English interests are so much involved in the peace of the islands that it would not be safe to fold our arms and say we should not interfere. But, my lords, I must now state some of the difficulties. In an interesting description of those islands written by a botanist and geologist who visited them, I find the author states that in no place ever visited by him had he found it harder to arrive at the truth than he had in the Fiji Islands. Having myself read a good deal about them, I agree with the author as to that difficulty. Again, there are obvious practical difficulties. There ar

200 islands, and the native population is 160,000. Of these, 140,000 are in a state of comparative civilization, but the same cannot be said of the remaining 20,000, who live in the mountains. Experience teaches us that there are considerable difficulties of government when there is a small colony of settlers surrounded by a large native population; but I think the problem is not so difficult in this case as in others which I could name. The natives are scattered over 200 islands; they are divided in feeling by certain local jealousies, and with the exception of the 20,000 mountaineers, they are a milder and gentler class of natives than those with whom we had to deal in New Zealand. The old and barbarous customs are dying out. A few years ago widows were strangled, whole villages were massacred, and cannibalism was practiced. That is all gone. Idolatrous temples have been demolished, and in the great square where idolatrous orgies were celebrated a Christian church has been erected. I am bound to point out that great difficulty lies in the question of land. The public land is small in extent, and the private land is complicated by relations and claims which no doubt are very perplexing, and many of the titles of the white settlers did not rest on indisputable foundations. If the cession of those islands be accepted, one thing is clear, namely, that the Crown must have a right of pre-emption in all lands. The land must follow the rule which has been adopted elsewhere, and grants of it must be made from the Crown. All parties must be prepared to give up something, and they can be reasonably called upon to do so, because from the moment English sovereignty is established the value of land will be not doubled, but quadrupled or quintupled. My lords, there is another difficulty. The commissioners report that the debt of those islands is not less than £87,000. How that enormous sum has grown up I do not know. I do not know even the original price of the stock issued. All I do know is, that in the course of two years so reckless was the financial administration of the government there that £124,000 was spent, and a debt of £87,000 remains as a legacy. If there should be a cession, Her Majesty's government must prepare themselves for a full inquiry into the financial question with a determination to act in accordance with the demands on the revenue of the islands. The calculations of the commissioners are not as satisfactory as I could have desired. Indeed, I think they are illusory, but I entertain very little doubt that by a prudent financial policy the revenue of the islands may be made sufficient for their requirements. The first few years will be years of difficulty, but there is no reason to doubt that at a later period the resources of the islands will be sufficient for all wants. It only remains for me to point out some of the principal reasons that would seem to indicate that it might be advisable to accept a cession. The geographical area of those islands is not very large; but they are of exquisite natural beauty. Members of this house have seen them and travelers have described them. No frost ever comes there. The temperature is at all times comparatively mild. The internal resources of the islands are considerable, for the soil is very productive. Then look at the position of these islands. They are in the track of all ships passing between the New World and the still newer world of Australia. They possess unquestionably fine harbors, and one of them would be a desirable intermediate station for the coaling of steamers running between America and Australia. In the next place—though I do not advance this as the sole argument on which this cession rests—we should not forget the labor trade which has grown up in the seas off these islands. Bishop Patteson, a true martyr, offered up his life in an effort against that atrocious kidnapping trade, and no government, whether it sits on this side or the other, can view with anything but deep interest everything that offers a means of putting down that iniquity. [Hear, hear.] Those islands, though they do not cover the whole area of the kidnapping trade, rise, as it were, in the center of it.

I am loth to use words which seem too strong for the occasion, and therefore I hardly like to say that England has a mission to extend her policy of colonization in this part of the world; but, at all events, it does seem to me that there is an indirect duty which lies upon us as far as we can to take under our protection a place into which English capital has overflowed, in which English settlers are resident, in which, it must be added, English lawlessness is going on, and in which the establishment of English institutions has been unsuccessfully attempted because they were of such a character as not to be suited to the circumstances of the case. [Hear, hear.] I cannot deny the fact that there is a strong wish on the part of almost all the adjoining colonies that these islands should be taken under English sovereignty. Not only is this so, but I have received from New Zealand and New South Wales cordial offers of co-operation in any efforts which may be made to carry out the policy of annexation, and I believe, further, that the last-named colony would be ready to bear a fair share of the burdens which would be involved, if those burdens could be properly and legitimately placed upon it. I hope it may be possible, if this cession is accepted, to take advantage in some degree of that co-operation; but while repeating that I do not think it would be possible to annex these islands as a dependency to any existing colony, I must express my opinion that such an offer as the one I have just mentioned—an offer which is almost new in the history of the world—should be heartily recognized and cordially dealt with. [Hear, hear.] We ought at least to express satisfaction that

an English colony is willing to come forward and volunteer its help in bearing the common burdens of the empire, and so to show that in this, as in other respects, there is a real partnership in the great empire of which we are all members. [Hear, hear.] On this general review of the circumstances, your lordships will not be surprised to hear that it is the feeling of Her Majesty's government that they cannot decline the duty of accepting these islands. If they do not decline they accept, and it then becomes important to know how this is to be done. The view of Her Majesty's government is that there is but one single condition on which the cession can be accepted. The condition is that in all material and essential respects the cession should be absolutely unconditional, and that we should have full freedom to administer the affairs of the islands. [Hear, hear.] It would ill-consort with the dignity of the Crown that conditions should be annexed to any such cession. I must mention that in the appendix to the report of the commissioners there is a communication from Mr. Thurston, the so-called prime minister of Fiji, in which he specifies no less than seventeen conditions on which the cession was to be made. I will not go through these conditions in detail, but will simply say that they are wholly impracticable. [Hear, hear.] Among the conditions are one to secure hereditary rights in matters of administration and government, another for the appointment of a certain number of Fijian chiefs to the council, and yet another stipulating that Her Majesty's government should assume without inquiry the existing liabilities of Fiji. Difficult as the task of governing these islands must be in any case, the task would be made simply impossible if the conditions were to be accepted, and therefore Her Majesty's government are only prepared to accept an unconditional cession of the islands. [Hear, hear.] With that view, while fully appreciating the exertions of the commissioners, Her Majesty's government feel that we have now arrived at a new stage of these negotiations, and that we should hardly require these gentlemen to go back and conduct these negotiations to a final settlement. We therefore propose to instruct Sir Hercules Robinson, the governor of New South Wales, to proceed at once to Fiji, restate the whole case, explain the difficulties in the way of the cession on the terms proposed by Mr. Thurston, and place the matter fully, fairly, and candidly before the chiefs and the white population. The tried ability, administrative experience, and great personal and local experience of Sir Hercules Robinson point him out as the fittest representative of the crown in the peculiarly difficult and delicate circumstances in which he would be placed. [Hear, hear.] It has, curiously enough, been my lot this year to propose to Parliament two colonial policies, one with regard to the Gold Coast and the other with regard to Fiji, both touching territory abroad on a considerable scale, and which, if they differ in many respects, yet agree in this, that each of them has to be dealt with not upon general considerations but on the special merits of the individual case. Whether your lordships agree or disagree with me in what I have said, I hope you will do me the justice to acknowledge that I have not concealed or colored anything. I have endeavored to lay the whole case, *pro* and *con*, as fully as possible before the house. I do not deny that there will be difficulty in the way of carrying out the scheme I have laid before your lordships, but at the same time a choice must be made in this as in many other things. I believe the difficulties, when boldly faced, will not be found very considerable, provided the cession comes to us untrammelled by unworkable conditions, and although I am quite aware of the magnitude of the task, I shall not be afraid to encounter it. [Cheers.]

Viscount Canterbury, referring to the earlier history of the settlement of Fiji, said that though Englishmen had gone there in defiance of the recommendations of British authorities, and had sworn allegiance to the native kings, they had not failed to invoke British protection as subjects of the crown when occasion arose. It had been stated that the commissioners "obtained" an offer of the cession of the islands. If this correctly described the circumstances of the case, he could not help thinking that the commissioners went beyond their duty, which was simply to obtain information for the guidance of the government in any policy they might decide upon adopting. It was a remarkable fact that one of the most influential chiefs in Fiji—Marku—of whom it was said that the other chief "had always been jealous of his influence and position," was not mentioned by the commissioners as among those who assented to the arrangement they proposed, and the question was whether he would consider himself bound by it. When he (Viscount Canterbury) first read of the offer which had been made he attached great importance to it, but now, on further consideration, he was not disposed to do so. As he understood the present state of affairs, the government were prepared to accept an offer which had not been made, and were not prepared to accept an offer which had been made. He quite admitted that if the cession were to be accepted the best form of constitution for the islands was that they should become a crown colony, with considerable power to the executive in the carrying on of the government. Considerable difficulty would, he feared, be experienced with respect to the land. The commissioners stated that of the 5,500,000 acres of land in Fiji there was not an acre which had not an owner. The question of the land was at the root of this application to the British government to take possession of the islands. He noticed a striking inconsistency in the report of the commissioners, for in one part it was stated that

the settlers were totally unable to take upon themselves the payment of the debt while in another part it was stated that provided the British government would take possession of the islands the settlers would undertake not only to provide for the debt, but also to make provision for paying the costs of the governor of the islands. It was not because he underrated the importance of the duties that attached to a great power, nor because he was willing to abandon those duties out of consideration for pounds, shillings, and pence, nor because he weighed safety and profit against the honor and duty of this country, but because he thought that under existing circumstances the acceptance of the sovereignty of Fiji by this country was not a matter of duty, and would confer upon the British Empire advantages in no degree equivalent for the difficulties that the acceptance of the sovereignty would involve, that he felt bound to protest against this proposal for annexing those islands.

The Earl of Belmore having watched this question for some time with considerable interest, and having had four years' experience in those parts, had at length arrived at the opinion that the only course open to Great Britain was to annex these islands. [Hear.] In dealing with the four courses which the noble lord, the secretary for the colonies, had said were open to us in the matter, he remarked that the establishment of consular courts in the islands would doubtless be a cheap way of doing what was required; but that that course had not answered elsewhere. Again, the annexation of the islands to one of the Australian colonies would not answer, seeing that the latter had quite enough to do to develop their own resources without being troubled with the government islands 2,000 miles away. The third proposal, that the islands should be governed as crown colonies through a governor, who should be responsible to the colonial office alone, was the best that could be adopted, leaving to a future time, when the number of the white population had sufficiently increased, the consideration of the fourth proposal that the islands should be permitted to govern themselves under an English protectorate. He thought the question of expense should not be allowed to prevent the best man being selected as governor who could be induced to accept the office. It was evident that a great deal of mischief might be done by placing a person, without sufficient experience, tact, or judgment, in a position of responsibility in these islands. The fourth plea suggested was to leave those islands alone, on the ground that those who had gone there had gone at their own risk and in spite of warnings which they had received; but, though perhaps, strictly speaking, they might have no claim to protection, yet it was our duty not to ignore the existence of a British community such as that which was now to be found in Fiji, and it was none the less our duty because those islands had been made the center of many outrages connected with the labor trade. It was no doubt true that the Fijians, finding that Great Britain would not accept the sovereignty of the islands, did apply to the United States, and in this, though they would probably prefer to be governed by one of their own natives, if possible, they were actuated by a desire to obtain a strong government. The question of land was no doubt one of considerable difficulty, and so was also the question of how money had been raised, for that money had in reality been raised upon false pretenses. A regular government and a strong government were, no doubt, required in Fiji for the purpose of dealing firmly, among other things, with the evils of the labor trade, and in the arrangement lately concluded the islanders had been fully instructed upon what terms the cession had been accepted.

The Duke of Manchester congratulated the secretary of state upon the decision to which he had been enabled to come in regard to the annexation of the Fiji Islands. It seemed to be usually our duty and necessity to follow our countrymen when they settled in New Guinea and other places, and no doubt in annexing them we powerfully contributed to their civilization and prosperity.

The Earl of Kimberley said he could not accept the principle that it was our duty to follow British settlers wherever they went, and to annex those countries. He would rather say that every case ought to be considered on its own merits. It would be intolerable if British settlers, landing on unoccupied ground in any part of the globe, could pledge this country to the extension of an empire which was certainly not too small at the present moment. At the same time, he agreed that there might be cases in which it was necessary to add to the territory of the Crown. The decision of the government in a case like the present involved a good deal of responsibility, and as he had seen the papers only that morning he had not been able himself to come to a conclusion. When he was colonial secretary he made a suggestion to the government of New South Wales that they should undertake the government of the Fiji Islands. The Australian colonies pressed the government to annex those islands, and he thought that either New South Wales or Victoria might be willing to undertake the government of those islands. The governor, however, declined to submit that proposal to the legislature of New South Wales, and the suggestion came to nothing. The union, however, of British Columbia to Canada, was one the working of which could not be more difficult than some similar arrangement between the Fiji Islands and New South Wales. Nearly all the settlers in the Fiji Islands had gone from the Australian colonies, and the connection between the two was in many respects very intimate. The

important question was how to deal with an offer of cession which had now been repeated, and whether Her Majesty ought to be advised to accept it. Her Majesty's government had acted wisely in not accepting the cession on the terms proposed in the document laid before their lordships, but the government would not escape from any of the real difficulties by laying down the condition that the cession must be unconditional. It was impossible that we should undertake the government of those islands without some distinct understanding and condition as to the all-important question of the land. The people of those islands must likewise have a clear knowledge as to their future rights and condition. Whenever European settlers went to a country in which there was anything like a settled mode of life, difficulties always arose as to the cession of land, and those difficulties frequently led to war. That had been the case in New Zealand and elsewhere, and Her Majesty's government must feel that if they accepted the cession of the Fiji Islands the rights of land must be most carefully ascertained and guarded. In paragraph 41 the commissioners pointed out this danger, and said that to interfere with the possession of land might entail the prosecution of a most unjust war. This showed the importance of handling the question of the land with prudence. A little further on they pointed out that the title to land in the islands was not fully vested in the King or the chiefs. It was clear that a portion of the land was held in common, that the right to its possession was of an undefined character, and even although the cession might be unconditional, yet Her Majesty's government would see the necessity of reserving to itself the right of imposing, or agreeing to, or devising, some conditions. If they meant that the land of the whole of the islands should be handed over in unconditional sovereignty, it would almost certainly follow that contentions would arise between the whites and natives as to the rights of land, and such a commencement of the new settlement would be anything but auspicious. He believed there could be no doubt that the white settlers had acquired large tracts of land with very defective titles, so that we should find ourselves immediately involved in questions with the natives as to their future rights to land, and with the settlers as to the lands they already held. If once the Fiji Islands were made a Crown colony, the settlers who now claimed these tracts of land would find that they had got a valuable property, and they would be by no means ready to part with it. With regard to the general question of government, it might be indispensable that the Fiji Islands should be governed on the principle of a Crown colony. He wished, however, to point out that to create a pure and simple Crown colony, in the words of the noble earl, of a "severe type," would be to do that which in modern times had never been proposed. The tendency of late years had been in the contrary direction. No doubt in Jamaica it had been necessary to recall rights already given, but they all knew that in Jamaica there was not an increasing white population. In Fiji they would have to deal with an active—he would not say a turbulent—but certainly with an adventurous population, gathered from all the neighboring countries. Many of these settlers came from colonies which had been long under a democratic form of government. They would be re-enforced by further arrivals from Victoria and New South Wales, and it would be a new experiment to endeavor to govern such men by the form of government of a Crown colony, and very difficult to do so. A Crown colony meant a colony of which all the governing officials were appointed by the Crown. It would be what was known as a "Downing-street government," set up in a country the settlers in which had not always been satisfied with their own democratic form of government. The government would have to discharge the most difficult and important of all tasks—to maintain equal and impartial government between a large body of natives and a small body of white settlers. It might be said it was easy to raise difficulties; but this was the time for raising difficulties, and some of those difficulties certainly were present to his own mind when he drew up the instructions to the commissioners. If this cession were accepted he hoped there would be conditions which should be drawn up in the most careful and explicit manner. He hoped the government would see that the conditions, providing for what they considered right, were plain and simple; for this was a matter in which, when steps were once taken in which the honor of the Crown and the character of the country were engaged, there could be no step backwards. He was therefore glad the government had taken the prudent course of employing that very distinguished officer Sir Hercules Robinson to make the necessary inquiries as to the state of feeling in the islands, and he hoped they would leave him so far unfettered by his instructions that if he could not report that the arrangement might be well carried out the government would not feel themselves obliged to accept the cession. [Hear, hear.]

The Earl of Carnarvon admitted that it would be a very hard and difficult task to hold the balance equally between the small body of white settlers and a large body of natives, but for that very reason he thought a Crown colony was the only form of government under which justice could be done, and the interests of both parties consulted. As regarded the cession itself he could only repeat that the government were prepared to accept it if it were untrammelled by conditions which they considered objectionable. At the present moment, however, he might say there was no cession

at all. The inhabitants of Fiji would have full notice, with full opportunity of reconsidering their position and putting the offer in such a form that the government might accept it; but until Sir Hercules Robinson had discharged his mission, certainly he was not in a position to say that the cession had been accepted. [Hear, hear.]

Earl Granville thought it very important that the government should not be in any hurry in this matter. Their lordships had not yet had the opportunity of considering the report which had just been placed in their hands. It certainly would have been better that some public discussion should have taken place before the government formed any final determination on the matter. He did not even now quite understand the state of matters. It was impossible to have listened to this hasty conversation and to have heard what had been advanced *pro* and *con* without feeling that there was much to weigh and consider. He repeated, he thought this a matter for mature and very grave consideration. He feared they were taking something like "a leap in the dark," at a very long distance indeed, and the government should not act hastily, but give more time for consideration. [Hear, hear.]

No. 309.

General Schenck to Mr. Fish.

No. 597.]

LEGATION OF THE UNITED STATES,
London, August 7, 1874. (Received August 21.)

SIR: Parliament has been prorogued to-day until the 23d of October. No session, however, is likely to be held for business until, as usual, in February.

I inclose a copy of the Queen's speech. It contains nothing of very particular interest. The session has been productive of no great legislative results. * * * * *

The only clause in the speech having reference to American affairs is that relating to the negotiations for a reciprocity treaty between the United States and Canada, which are stated to have been temporarily suspended by the adjournment of our Senate. You will remark how, in connection with this subject, the imperial government is withdrawn wholly into the background, and these negotiations are represented as having been "commenced at the desire and in the interest of the Dominion."

You will observe that nothing is said about the three rules in the treaty of Washington, although there is a paragraph in relation to the international conference at Brussels.

Your attention will be attracted by the distinct intimation that Great Britain is to maintain "a rigid abstinence from interference in the internal affairs" of Spain.

I have, &c.,

ROBERT C. SCHENCK.

[Inclosure.]

Her Majesty's speech.

MY LORDS AND GENTLEMEN: The time has arrived when I am enabled to release you from your attendance in Parliament.

In so doing, my first wish is to thank you for the readiness with which you have made provision for my son Prince Leopold on his attaining his majority.

My relations with all foreign powers continue to be friendly, and the influence arising from those cordial relations will be employed, as heretofore, in maintaining the

obligations imposed by treaties, and in promoting and consolidating the peace of Europe.

The Emperor of Russia having made proposals for a conference to be held at Brussels, the object of which is to lessen, by judicious regulations, the severities of war, I have, in common with other powers, authorized a delegate to attend that conference; but, before doing so, I have thought it right to obtain assurances from all the powers thus represented that no proposal shall be brought forward calculated either to alter the recognized rules of international law, or to place restrictions on the conduct of naval operations. The recommendations which may issue from the conference will have my careful consideration, but I have reserved to myself full freedom of action in regard to their acceptance or rejection.

Negotiations have been undertaken for the renewal of the reciprocity treaty formerly in force between the Dominion of Canada and the United States of America. These negotiations, commenced at the desire and in the interest of the Dominion, have been temporarily suspended by the adjournment of the American Senate. They will be revived at an early date, and it is my hope that they may lead to an increase of commercial intercourse between my colonial subjects and the citizens of the United States.

I deeply lament the continuance in Spain of disturbances which form a single exception to the general tranquillity of Europe; but, while earnestly desiring the restoration of peace and civil order in that country, I believe that this result will be most surely brought about by a rigid abstinence from interference in the internal affairs of an independent and friendly state.

The treaty recently concluded with the Sultan of Zanzibar, having for its object the suppression of East African slave-trade, has been faithfully observed, and has already done much to put an end to that traffic as carried on by sea. The exertions of my naval and consular servants, in that part of the world, will not be relaxed until complete success has been obtained.

I am thankful to say that the famine in India has, as yet, been attended with little mortality, a result mainly attributable, under Providence, to the precautions taken by my Indian government. The strenuous exertions of my Viceroy, and of the officers serving under him, merit my high approbation.

Since the close of hostilities on the Gold Coast, steady progress has been made in the task of pacifying the country and of organizing its administration. Treaties of peace have been concluded with important tribes, and the King of Ashantee has persevered in the discharge of his obligations to this country.

GENTLEMEN OF THE HOUSE OF COMMONS, I acknowledge the liberality with which you have provided for the charges of the state.

MY LORDS AND GENTLEMEN, I have seen with pleasure the considerable reductions which you have been able to make in taxation. The total abolition of the sugar duties will not only confer a benefit on the consumers of an article in universal demand, but will also prove of much commercial advantage to the nation. The removal of the duty on horses is another measure well calculated to encourage the trade and industry of the country. Concurrently with these remissions, and with a further reduction of the income tax to a rate which is little more than nominal, you have been enabled to make important grants from the general revenue toward services which, though of imperial concern, have hitherto been defrayed, either exclusively or in an undue proportion, out of local rates. I trust that these measures, when their full effect shall have been felt, will conduce to the general prosperity of the country, and will impart increased elasticity to the revenue.

Although your session has been unavoidably curtailed of a third of its usual duration, I observe with satisfaction that you have been able to carry measures of general interest and importance.

I have cordially given my assent to the act "for improving the health of women, young persons, and children employed in manufactures." By this measure I anticipate that not only will the health and education of the classes affected by it be promoted, but that the relations between the employers and employed in those important branches of industry will be maintained on a footing of enduring harmony and mutual good-will.

I have readily sanctioned the act for the reform of the system of patronage in the church of Scotland. I trust that the removal of this ancient cause of controversy may both strengthen the church and conduce to the religious welfare of a large number of my subjects.

The act for the better regulation of public worship in the church of England will, I hope, tend to prevent or allay the unhappy controversies which sometimes arise from the difficulty experienced in obtaining an early decision on doubtful points of law and a definitive interpretation of the authorized form of public worship. Such controversies, even when they occur between persons loyally desirous to conform to the doctrine and discipline of the established church, beget serious evils, and their speedy

termination by competent authority is a matter of grave importance to the interests of religion.

The legal measures which you have passed with reference to the limitation of actions for real property, the law of vendors and purchasers, and land rights and conveyancing in Scotland, as well as the acts for regulating the sale of intoxicating liquors, and for carrying forward sanitary legislation in the United Kingdom, may be expected to be productive of public advantage and satisfaction.

The commission issued by me for inquiring into the state and working of the law as to offenses connected with trade has been unable to complete its labors in time to admit of legislation during the session now about to terminate; and I regret that the pressure of business in the House of Commons has made it necessary to suspend the consideration of the measures for facilitating the transfer of land in England, for rearranging the judicature of England and Ireland, and for establishing an imperial court of appeal. These subjects will naturally claim your earliest attention in a future session.

In returning to your counties and constituencies, you will have the opportunity of beneficially exercising that influence which is the happy result of our local institutions, and I pray that the blessing of the Almighty may accompany you in the discharge of all your duties.

Then a commission for proroguing the Parliament was read. After which the lord chancellor said:

MY LORDS AND GENTLEMEN: By virtue of Her Majesty's commission, under the great seal, to us and other lords directed and now read, we do, in Her Majesty's name, and in obedience to her commands, prorogue this Parliament to Friday, the 23d day of October next, to be then here holden; and this Parliament is accordingly prorogued to Friday the 23d day of October next.

No. 310.

General Schenck to Mr. Fish.

No. 602.]

LEGATION OF THE UNITED STATES,
London, August 20, 1874. (Received August 31.)

SIR: I send herewith a communication addressed to you from one who styles himself, I believe, the first secretary of state of the King of Spain, dated at Lequeitio, on the 7th instant, communicating the appeal made by Don Carlos to the "Christian powers." These papers came to me last night by the London post.

I have not thought it either needful or proper to make any acknowledgment of the note to me accompanying them, but forward the original of that to you also with the other inclosures. Indeed, if I were disposed to do so, I should not know where or to whom to write to say the communication had been received.

The main object of this address by Don Carlos to the governments being obviously to forestall or prevent, if possible, a recognition on their several parts of the existing government, under Serrano, in Spain, it is not only likely to fail of effect as to other powers, but is a mere protest against a foregone decision so far as the action of the United States is concerned.

I have, &c.,

ROBT. C. SCHENCK.

[Inclosure.—Translation.]

Mr. Viñalet to General Schenck.

ROYAL HEADQUARTERS,
Lequeitio, August 7, 1874.

YOUR EXCELLENCY: In obedience to the orders which I have received from His Majesty the King, my lord, I have the honor to address your excellency for the purpose of begging you favorably to receive the inclosed communication, which is

addressed to the minister of foreign affairs of the country which your excellency so worthily represents at the English court.

Your excellency will perceive that the principle in question is one of strict justice. This is invoked by the King, my august master, in presence of the calumnious accusations made against him by his enemies, and I trust that your excellency's love of justice will lead you to lend me your co-operation.

Be pleased to accept, Mr. Minister, the assurances of my high consideration.

ROMDO MZ. VINALET.

His Excellency the ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY
Of the United States of America at London.

[Inclosure 1 in inclosure in No. 602.—Translation.]

Mr. Vínalel to the Minister of Foreign Affairs of the United States.

ROYAL HEADQUARTERS, August 7, 1874.

YOUR EXCELLENCY: His Majesty the King, my august master, has addressed to the Christian powers the inclosed document, which I have the honor to transmit to them.

In fulfilling this high mission, I have sufficient confidence in the impartiality and the justice of the cabinet over which your excellency so worthily presides to appreciate the policy and the principles of equity which have guided it, and I hope that it will prepare the mind of His Excellency the President of the Republic in favor of a cause which is as just as it is patriotic.

With a view to elucidating this important document, I take the liberty of inclosing to your excellency the manifesto addressed by His Majesty to the Spaniards, and referred to in said document.

Be pleased to accept, Mr. Minister, the assurances of my high consideration.

ROMDO MZ. VINALET.

His Excellency the MINISTER OF FOREIGN AFFAIRS
Of the United States of America.

[Inclosure 2 in inclosure in No. 602.—Translation.]

Don Carlos to the Christian powers.

Being King of Spain by right, and reigning in fact over a vast portion of the monarchy, I address the powers of Christendom, which cannot remain indifferent to the fate of a great nation, whose destinies will certainly exercise an influence upon the events of the world.

I wish to be known, I wish to be judged by my acts, and not by the slanders which have been circulated concerning me. I wish Christendom, if it is to decide between the nameless government at Madrid and me, to know that an abyss separates the just claim of the legitimate King from the iniquity of a band of adventurers now transformed into dictators.

I obeyed the voice of duty and patriotism in confiding my claim to the Crown to the fortune of arms, after having exhausted all peaceful means in the effort to save my beloved country from the imminent horrors of a Spanish ninety-three.

God has favored me. I have obtained the true plebiscite, which thousands of Spaniards daily seal with the purest of their blood.

Without arms and without money to buy any, as Europe knows, I have formed an army with the elements supplied to me by the self-denial and the enthusiasm of a great people. I have conquered the enemy wherever he has offered me battle, when I have not offered it to him myself. I have but once retired before cannon six times as numerous as my own and incomparable in point of superiority; the strategic retreat from Bilbao, moreover, in which I lost neither a man nor a cannon, was brilliantly offset by the victory at Abarzuza. My vanguard is at the gates of Madrid, and the hour is near when I shall have completely annihilated that army of the republic which it is vainly sought to oppose to my victorious march. My enemies render their weakness apparent by the robberies, murders, and acts of incendiarism which they openly decree, and in which they engage in cold blood. After having ruined the country by their fatal ambition, they dishonor it by their crimes and murder it by their barbarous folly. Spain knows how I have behaved toward them. I appeal to the honor of

those who were my prisoners before the battle of Abarzuza; they who are Spaniards will tell how I treated them, always doing justice to courage, even in those who had fought against me, receiving at my table mere commanders of battalions, rendering their lot more comfortable, and always finally setting them at liberty or exchanging them on receiving a simple verbal promise that an equal number of my own men held as prisoners should be returned to me; and this I have done notwithstanding the incessant failures on the part of the Madrid government to keep the promises made to me through the generals-in-chief of the republican troops, and notwithstanding the deportation to deadly climates of our men who were taken prisoners by them or retained as hostages among a peaceful population.

A day came, however, when our enemies ravaged our fields, burned our villages, murdered our wounded, and committed all kinds of atrocities. This I could not tolerate, and I subjected the guilty parties to the rigors of justice; yet, although all the incendiaries and all the murderers were condemned to death, I only permitted one in ten to be executed, declaring that, as the protector of the interests and lives of my people, I would spare them even then.

Being powerless to do anything else, and as cowardly as they are vile, they had recourse to calumny, accusing me before Europe, and before the world, of acts of vandalism which they alone are capable of committing.

I protest against these lies. If the governments and the cabinets wish to know the truth let them send representatives to the theater of our operations; the ruins of Abarzuza, of Zabal, and of Villatuerta are so many witnesses to the truth of what I affirm. They will see these ruins, they will judge, and it will be known, through them, what sort of discipline prevails in my army, what a paternal government I have given to these provinces, what acclamations they lavish upon me, and what love they manifest for me, even under the oppression of their enemies, which bears without mercy upon their persons, their families, and their property.

I have hesitated, and I still hesitate, to make reprisals, by adopting similar measures against all who are not directly in arms against me; still, if I am compelled to do so, I shall draw from my sentiments of justice the force necessary to enable me to resist the promptings of my generous heart, and I shall be all the more severe in view of the length of time during which I shall have shown clemency. The authentic information which the representatives of Christian countries will be able to obtain on the spot, and for the obtainment of which I will furnish every facility, will serve the cause of justice better than the false statements which are circulated at pleasure by those who have inaugurated a reign of terror in Spain, and who have, by decree, organized a monopoly of falsehood.

I have even been accused of having caused a foreigner to be shot for no other reason than because he was a correspondent of a newspaper. It is false. A German, who was taken with a revolver in his hand, at the head of a band of incendiaries on the outskirts of the village of Villatuerta, was tried by a court-martial, condemned, and executed. What was done there was well done; I maintain it, and the same thing will be done again, if it shall be necessary to punish, as in this case, an incendiary and spy.

A foreigner, moreover, who takes part in a civil war places himself, by so doing, beyond the pale of the international laws of war, and exposes himself to all the consequences of his act. For my part, in order to avoid national or international complications, I gave the strictest orders, at the very opening of the campaign, that the services of none of the foreign officers and soldiers who volunteered *en masse* to fight for my cause should be accepted.

I told Spain in my manifest, dated at my headquarters at Morentin, July 16, 1874, what were my views on government, politics, finances, religion, and international affairs. I here confirm all those declarations. My flag is that of order, and all legitimate progress, all moral and material improvements find shelter under its wide folds. Those who have sought refuge under it already feel its benefits, which will soon extend over all Spain and her colonies.

The government of the republic is dead; it declares itself conquered. All its organs and all its friends, both within and without, call for foreign intervention as the last hope, the last anchor of safety; and this because there are no more forces in Spain that can be marshaled against my advancing army, which is the living and enthusiastic expression of the national will.

This tells everything.

I do not believe that any government will decide to sustain a cause that is completely lost, to fight on the side of the authors of such abominable deeds, and to be associated in a policy whose basis is treason and whose main-spring is rapacity.

Nevertheless, if intervention takes place, we will calmly await it, strong in our faith and our patriotism, as we awaited the battalions of the republican army at the commencement of the campaign, when we were but a handful of men, and were destitute of almost everything. Calling to mind the glorious example of the martyrs of independence, we shall fight for victory until the last, or we shall die at our guns shouting "long live Spain!"

But no; there will be no intervention; my conciliatory sentiments render me confident of this. I am full of faith in the impartiality of the powers of Christendom, and in my heart I feel that God is with us.

I desire to maintain the most cordial relations with all nations; and, since I am the guardian of Spain's honor, I shall seek to uphold it in the dignity and greatness which I wish to restore to her, and which will be the surest guarantees of the peace which she needs.

At my royal headquarters, Lequeitio, August 6, 1874.

CARLOS.

[Inclosure 3 in inclosure in No. 602.—Translation.]

Don Carlos to the Spaniards.

One year ago to-day I drew my sword in defense of the honor, the prosperity, and the greatness of my country.

I was then followed by a handful of brave men who were almost without arms. We had no resources save our faith, and no hopes save our hope in God and the sacredness of our cause. The failure of previous efforts on the plains of Oroquieta against the duke of Aosta, who was as foreign in Spain as was the republic, had taken away the courage even of many who considered themselves brave.

But God has rewarded our faith, and has been propitious to us. I am now at the head of a considerable army, brave and well disciplined, which counts its victories by the number of its battles. The best generals of the revolution are witnesses of this fact. I have had them all against me; I have conquered them all.

This proves that my faith in the strength of right has already given me the right of strength. But the possession of this right, the only one that can be invoked by those who fight against me, does not prevent me from again appealing to the good sense of the Spaniards, and to the uprightness of all honest men.

True it is that the magnitude and the eloquence of the events of which Spain has recently been a witness almost render my words useless. My attitude and the bayonets of my volunteers say everything. I promised to save Spain or to die for her, and I shall keep my promise. The world well knows that I extended my hand to my enemies in token of peace, and reluctantly accepted the contest, which was as repugnant to my own ideas as it was to the wishes of all loyal monarchists; but, when triumph crowned the self-abnegation of the good, the arbitrariness and violence of the conquerors rendered the efforts of the conquerors fruitless. Good faith, which had been trampled upon, and virtue, which had been derided, then called to me with cries of noble indignation, and I was obliged to answer those cries by drawing the glorious sword of Philip V.

I think, however, that I must tell once more what is my idea and what is the motive which guides me in this great enterprise, i. e. the restoration of Spain. My heroic defenders do not need to hear my voice again; but I have said, on a solemn occasion, that I was King of all the Spaniards, and I will prove it by addressing all, because perhaps there are some who still doubt the sincerity of my purposes, and suffer themselves to be deceived by the sophistry of my adversaries.

Born and bred in love for Spain, to save her was my first thought, and has been the one great thought of my life.

Law and tradition made me King. For this, and in order to maintain intact all the principles of the flag which Columbus planted in the New World and at Oran Jimenez de Cisneros, I refused the crown that was offered to me by the men of September, previous to the battle of Alcolea. I always thought that in order to ruin Spain there were too many pretenders, from Don Alfonso to the republic, and that it was the duty of the legitimate king to exercise his right, when, free from all compromises, he should be able, like Pelagius, to undertake the gigantic work of regenerating his country.

A King of Aragon, after having conquered the rebels of his country, cut into pieces with his dagger the odious privilege of the union, and that monument of license and anarchy was replaced by solid and true charters of liberty.

This is what I desire: To conquer the rebels, to cut their unlawful privileges to pieces with the sword of justice, and to give the people their charters of liberty.

And no one can give them better than one who, relying upon the love of his people, will not need in order to sustain his throne to take the best laborers and artisans away from agriculture and industry, and sons from their mothers, since the mothers give their sons with generous enthusiasm, and the sons are always ready for service wherever their faith and loyalty call them.

What I mean and what I desire is told in my letter to my brother, the Infante Don Alfonso, and in other documents which have been published with my signature. And

as a chivalrous king has but one word, what I have said remains said, and confirmed, and ratified by me.

Let no one say that my language is not sufficiently clear. Men who are always ready to promise, but never prepared to fulfill their promises, have no right to raise charges of ambiguity against the declarations of a King who only promises what he is resolved to perform. There are principles which are eternal, immutable as God, from whom they proceed. But there are political doctrines which are subject to the mutability of human affairs and to the vicissitudes of circumstances and times, and it would be rash to entangle one's self with pledges based upon unforeseen contingencies.

Spain is Catholic and monarchical, and I will satisfy her religious feelings and her love for the integrity of the legitimate monarchy. But neither does Catholic unity imply a religious espionage, nor has monarchical integrity anything to do with despotism.

I shall advance not a step beyond nor remain a step behind the Church of Jesus Christ. I shall, therefore, not molest the purchasers of her property; and it is not long since I showed unequivocally the sincerity of this declaration.

Although jealous of my sovereign authority, and convinced that in a disturbed state of society a strong hand is necessary in order to remove obstacles from the true path, I nevertheless acknowledge, and always have acknowledged, that a people has the right to be heard by its King through the medium of its freely-elected representatives; and the voice of the people, when not distorted by artifice, is a king's best counselor. I desire, therefore, a legitimate representation of the country in the Cortes, not taking for my model the revolutionary proceeding that has been frequent in those chambers, which are called sovereign, but which history will call monstrous offshoots of tyranny.

I know that generations are corrupted or regenerated by means of public instruction, and this shall be one of the points to which I shall give my most serious attention, for Spain and Europe have been able to see well enough that their great tempests are formed in lecture-rooms and in books to burst forth in parliaments and barricades.

Reflecting minds have long been pained at the condition of the finances of Spain, and the longer my advent to the throne of my ancestors is delayed the more disastrous will this become. Let all the responsibility of these disasters fall upon the revolution. I declare that if any human power is capable of saving the public exchequer and of raising the public credit I shall do it, with the aid of God and the patriotism of the Spaniards. And one who, by the strength of his will, has converted a band of twenty-seven men into a powerful and invincible army, which is now the admiration of the world, may well hope, with the aid of God and his own perseverance, to solve so difficult a problem. At all events, if Spain does not succeed in saving her exchequer, she will act the part of an honest debtor, and will be able to say with truth that she has lost everything save her honor.

It would be beneath my dignity to deny the slanders that are circulated by some among the less-educated classes, to the effect that I am disposed to re-establish tribunals and institutions which are not in harmony with the character of modern society. Those who know no law save their own will, and who have no energy but to brow-beat the conquered and trample upon the defenseless, should intimidate nobody with predictions of imaginary rigors and acts of monarchical arbitrariness. Have I not proved a hundred times, by my behavior toward my conquered adversaries, that neither arbitrariness nor rigor has any place among my kingly sentiments?

I love Spain as the child of my heart; and God, who sees the hearts of men, knows that I dream of the glory of this noble land so far as to imagine that it is perchance destined to take the initiative in the purification of the active and intelligent Latin race, which is now disseminated on both continents as the indispensable vanguard of Christian civilization. And loving Spain as I do, I must think of her ungrateful children beyond the sea, who fight against her or deride her; their ingratitude is explained, in a measure, by the wrong-doings of the mother-country, but they will doubtless return to the home of their ancestors when peace and order shall have been re-established there by my paternal solicitude.

You see that now, as yesterday, I call upon all, even those who call themselves my enemies. I call upon them to put an end to this fratricidal war, and to lay the foundations of a lasting peace. Let the ambition of an always seditious minority yield to the eloquent will of this people, which greets me with acclamations, and which freely gives me its treasures and its blood. But if the cry of rebellion continue, I will drown it with the thunder of my cannons. All Spain will make a supreme effort to shake off the yoke that oppresses her, and those who to-day refuse to accept the offer of conciliation will to-morrow be obliged to submit to the imperious law of victory.

Your king,

CÁRLOS.

ROYAL HEADQUARTERS AT MORENTIN, *July 16, 1874.*

35 F R

No. 311.

*Mr. Fish to Sir Edward Thornton.*DEPARTMENT OF STATE,
Washington, 30th September, 1873.

SIR: The Secretary of the Treasury has addressed a communication to this Department under date of the 27th instant, relative to the thirtieth article of the treaty of Washington, in which it is provided that British subjects may carry in British vessels, without payment of duty, wares or merchandise from one port or place within the territory of the United States, upon the Saint Lawrence, the great lakes, and the rivers connecting the same, to another port or place within the territory of the United States as aforesaid; provided, that a portion of such transportation is made through the Dominion of Canada by land-carriage in bond, under such rules and regulations as may be agreed upon between the government of Her Britannic Majesty and that of the United States. And in like manner citizens of the United States may carry goods, wares, or merchandise, in United States vessels, from one port or place within the British possessions in North America to another port or place within the said possessions, &c.

By section 4 of the act approved March 1, 1873, to carry into effect the provisions of the treaty of Washington, it is enacted that article XXX shall go into operation as regards British subjects, carrying goods, wares, or merchandise in British vessels, &c., under such rules and regulations as may be agreed upon between the British government and the government of the United States.

In compliance with the wishes of the Secretary of the Treasury, I will thank you to inform me if any steps have been taken by the British government to carry into effect the provisions of the above-mentioned article as to United States vessels; and if so, to transmit to this Department a copy of such rules and regulations as may have been issued relative thereto.

I have, &c.,

HAMILTON FISH.

No. 312.*Sir Edward Thornton to Mr. Fish.*

WASHINGTON, October 1, 1873. (Received October 2.)

SIR: With reference to your note of yesterday relative to the provisions of the XXXth article of the treaty of May 8, 1871, I have the honor to submit to you that the practical mode of carrying out those provisions would be that the regulations of the United States and of the Dominion of Canada relative to the transit of goods should be reciprocally examined, and, if approved, should be agreed to.

You are aware that the Secretary of the Treasury invited the government of the Dominion to make any observations it might think proper upon the United States regulations.

The Dominion government suggested some alterations, in a portion of which the Secretary acquiesced, and at the same time transmitted a copy of its own regulations. Both of these documents I had the honor to transmit to Mr. Bancroft Davis in my note of the 21st of July last. In your note of the 5th of August last, you were good enough to for-

ward me the observations of the Secretary of the Treasury upon the suggested alterations, but he made no comments upon the Canadian regulations, nor did he state whether they were satisfactory to his Department.

It would appear to me, therefore, that it would be expedient that I should be enabled to inform the governor-general of Canada whether the Canadian regulations are approved and acquiesced in by the government of the United States, and to transmit to him at the same time a fresh copy of the United States regulations embracing the amendments which the Secretary of the Treasury may think it right to adopt. It will be seen that at the end of the report of the Canadian customs department, of the 4th of June last, copy of which was inclosed in my note of the 21st of July, it is suggested that on receiving a copy of any new or amended regulations adopted by the Government of the United States, a complete revision of the Canada regulations and an assimilation as far as possible with those of the United States should be ordered.

I have, &c.,

EDW'D THORNTON.

No. 313.

Mr. Fish to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, October 4, 1873.

SIR: I have the honor to acknowledge the receipt of your note of the 1st instant in answer to one addressed to you by this Department on the 30th ultimo, requesting at the instance of the Secretary of the Treasury certain information as to the action taken by the British government to carry into effect the provisions of article XXX of the treaty of Washington.

A copy of your note has been transmitted to the Secretary of the Treasury with a request that he will furnish this Department with an expression of his views on the suggestions contained therein.

I have, &c.,

HAMILTON FISH.

No. 314.

Sir Edward Thornton to Mr. Fish.

WASHINGTON, January 23, 1874. (Received January 24.)

SIR: With reference to a conversation which I had with you on the 8th of November last, when I had the honor to speak to you upon Earl Granville's suggestion for an arrangement with regard to the labor-traffic in the South Sea Islands, I have been instructed by his lordship to inform you that Her Majesty's government will be most willing to co-operate with the Government of the United States with a view to putting a stop to the abuses of the Macao coolie traffic, and it will be prepared, if you think such a course desirable, to address, jointly with the Government of the United States, a remonstrance on the subject to the Portuguese government.

Her Majesty's government has, during the last few years, made repeated representations at Lisbon in the sense suggested, nor has it been wanting in other efforts in the same direction.

An ordinance was passed by the government of Hong-Kong on the 24th of April last, providing for the careful inspection, by the emigration officer, of all ships intended for the conveyance of Chinese emigrants to be embarked at any port or place out of that colony. The officer is empowered to see that there are no objectionable fittings on board, such as barricades and gratings, and any such ship leaving Hong-Kong is obliged to provide itself with a certificate that it has been inspected and has no prohibited or objectionable fittings on board. Violations of this ordinance are punished by heavy fines and imprisonment with or without hard labor. Practically, these provisions prevent altogether the fitting out of ships at Hong-Kong for the coolie trade.

At the date of the issue of the above-mentioned ordinance there were several vessels at Hong-Kong preparing for the coolie-trade; these, being obliged to leave, went up the river to the anchorage at Whampoa, about twelve miles below Canton. But in consequence of the urgent representations of Sir D. B. Robertson, Her Majesty's consul at Canton, to the viceroy, these vessels were ordered to leave the river, and a notification was given that for the future no vessel destined for the carriage of Chinese coolies and belonging to non-treaty powers would be allowed to enter the port.

At the instance of Sir D. B. Robertson a kind of blockade of the settlement of Macao had been instituted by the viceroy of Canton, with a view to the prevention of the kidnaping of coolies and with some good result, although there was great difficulty in making it completely effective.

But it is hoped that the measures taken by the viceroy of Canton, in conjunction with the above-mentioned ordinance of Hong-Kong, will materially diminish the traffic.

Earl Granville has also desired me to add that Her Majesty's government has learned with regret your observations as to the emigration of coolies to British possessions and their treatment there. The memorandum, of which I communicated the substance to you verbally some months ago, and of which I now have the honor to inclose a copy, shows that there is no foundation for the statements that force is used to procure coolies, and that they are kept in practical bondage. A second memorandum, which I have just received from Earl Granville, repeats that there has not been a single emigrant-ship from China to the British colonies since March, 1866, although there appears a prospect now for re-establishing the emigration to British Guiana. As regards any supposed oppression of Chinese in those colonies, it adds that on December 30, 1872, there were no less than 5,948 Chinese working on estates in British Guiana, and as all these must have long before worked out their first indentures, they must have taken service on estates of their own free-will. Chinese, after more than six years' residence in the colony, must have been fully aware of their legal rights, and are not likely to have been forced or entrapped into a mode of labor which was distasteful to them.

Emigration to Singapore is as free as to San Francisco, and there must apparently be some mistake as to the destination of the coolies whose exportation you mentioned to me that the consul of the United States at Swatow had been charged with countenancing. The transaction referred to may possibly have been one which took place in the summer of 1872, when a naturalized American citizen, named Wermuth, was

tried and sentenced to a fine for attempting to inveigle Chinese on board a vessel which was to convey them to Callao.

Emigration under contract has, for the first time since 1866, been resumed very recently on a small scale from Canton to British Guiana. But Earl Granville desires me to state that you may rest assured that Her Majesty's government would not countenance it without the most ample precautions being taken that the emigrants fully understand the terms of their engagement and have proper treatment and supervision secured to them, during their voyage and after their arrival at their destination.

I have, &c.,

EDW'D THORNTON.

[Inclosure.]

MEMORANDUM.

There has been no emigration from China to British colonies since the convention of March, 1866, between the British and French ministers on the one hand and the Chinese government on the other hand.

When the emigration was in progress, that is, from 1859 to 1866, great care was taken to prevent, so far as possible, any abuses in its conduct. With this view the employment of native recruiters for the enlistment of emigrants was prohibited, the depots were put under strict supervision, and regulations were drawn up for their government, under the authority of the allied commanders, and the Chinese passenger act of 1855 was passed to provide not only for the seaworthiness and proper equipment of the ships employed in the service, but for the examination of the emigrants before embarkation, to ascertain that they understood and had entered voluntarily into their contracts. On these points the report of the emigrant commissioners for 1860, pp. 50-52, and Appendix, pp. 187 to 196, and the Chinese passenger act, 1855, are the principal documents to be referred to. It will be observed that the Chinese passenger act applies to all British ships carrying emigrants from any port in China or within one hundred miles of the coast. The result, it is believed, has been entirely to stop the carriage of Chinese in British ships to Cuba or Peru. In respect to contracts of service, it was stated, when Chinese emigration was first set on foot, that the Chinese objected to emigrate except under the protection of a contract; and in a dispatch dated as recently as February, 1870, the government of Hong-Kong, in reporting on a scheme then in progress for obtaining Chinese emigrants for some of the Southern States of the Union, says there was a difficulty in inducing emigrants to engage without a contract to which they attached importance. It is alleged that even in the emigration now in progress to San Francisco there is an understood contract between the emigrant and the representative of his future employer in the United States.

The number of Chinese who emigrated to the British West Indies between 1859 and 1866, inclusive, was:

To British Guiana	11,981
To Trinidad	1,657
To Honduras	474
	14,112

That the people have prospered in the colonies is stated in reports from the governors, and is proved by the large sums some of them accumulate. The actual amount of their accumulations cannot be known, but in 1870, of 14 who paid their own passages back to their country, one man took with him £916, and £333 6s. 8d. was deposited with the government for remittance. In 1871, 15 paid their own passages and deposited £666 13s. 4d., while in 1872 free passages were given to 34, 15 paid for themselves, and the amount deposited for remittance or taken away by them was £1,416 13s. 4d.

In respect to the intentions of Her Majesty's government, it may be assumed that there is no disposition to prevent a renewal of the emigration to the British colonies, provided it can be renewed with the consent of the Chinese government, and in a manner and on conditions to insure the good treatment and well-being of the emigrants; but as regards the Macao emigration, which is carried on by means of native crimps and kidnaping, that Her Majesty's government will be willing to co-operate with the governments of the United States and other countries to put a stop to its abuses.

No. 315.

*Sir Edward Thornton to Mr. Fish.*WASHINGTON, *January 24, 1874.* (Received January 26.)

SIR: With reference to my note of yesterday's date upon the subject of the coolie trade, I have the honor to inform you that I have this day received a dispatch from Earl Granville, in which he states that a telegram has been received from Her Majesty's consul at Canton to the effect that a proclamation has been issued by the governor of Macao, ordering the cessation, within three months, of cooly-emigration from that port.

I have, &c.,

EDW'D THORNTON.

No. 316.

Mr. Fish to Sir Edward Thornton.

DEPARTMENT OF STATE,

Washington, February 16, 1874.

SIR: I have the honor to acknowledge the receipt of your communication of the 23d ultimo, relating to a willingness on the part of Her Majesty's government to co-operate with that of the United States in adopting proper measures for the preventing of the abuses arising out of the Macao coolie trade. I have now to say that your note of the 24th of that month seems to dispose of the matter. The information contained therein respecting the action of the governor of Macao, is received with satisfaction.

I have, &c.,

HAMILTON FISH.

No. 317.

*Sir Edward Thornton to Mr. Fish.*WASHINGTON, *March 10, 1874.* (Received March 11.)

SIR: In compliance with an instruction, which I have received from Earl Granville, I have the honor to inclose, for the information of the government of the United States, copies of two instructions which have been addressed by his lordship to Her Majesty's minister at Madrid, on the subject of the proposed blockade, by the Spanish government, of the northern coast of Spain.

I have, &c.,

EDW'D THORNTON.

[Inclosure 1.]

Earl Granville to Mr. Layard.

No. 57.]

FOREIGN OFFICE, *January 16, 1874.*

SIR: With reference to my dispatch No. 55, of the 13th instant, I have to state to you that Her Majesty's government have now considered, in consultation with the law-officers of the Crown, your dispatches No. 106, of the 2d, and No. 125, of the 6th, instant, relative to the regulations under which the proposed blockade of the north coast of Spain is to be carried out.

Her Majesty's government are advised that, if the Spanish government is prepared to accept the consequences which will follow of raising the Carlist insurgents to the status of recognized belligerents by a declaration of belligerent blockade, there is no objection to the regulations issued to the Spanish squadron in the Pacific on November 26, 1864, and adopted by the 4th article of the decree of the 2d instant, in so far as those regulations relate to the matter of blockade. Upon other points, however, Her Majesty's government are advised that the regulations contain serious errors, against which they feel bound to protest at once, if it is proposed to put these regulations in force.

Article 12, which deals with the question of recapture from the enemy of neutral vessels, is directly at variance with the established rule of the law of nations. The Spanish regulation claims to treat neutral vessels recaptured from the enemy, after twenty-four hours' possession by the latter, as enemy's property.

The exact opposite of this proposition is the true rule of the law of nations. *Prima facie*, and before condemnation, a neutral vessel in the hands of the captors, if recaptured, is to be restored to the neutral owner without salvage. (*Vide* Dana's "Wheaton," p. 458; Valin's "Traité de Prises," vol. ii, tit. 7, cap. 2; Pistoye and Duverdy, and cases there cited, particularly the "Statira," p. 122, and "l'Esther," p. 130.)

It is unnecessary at present to enter on the exceptions to this rule. It is enough to say that the proposition laid down in the Spanish regulations, article 12, is inadmissible.

Article 14 of the regulations, which relates to contraband, is equally erroneous. That article, in the case where one-half of the cargo of a neutral vessel is contraband, claims to condemn the residue of the cargo and the ship. This is contrary to the established law of nations as practiced in modern times. The presence of one-half (or any other proportion) of contraband cargo does not justify the condemnation of the innocent residue, or of the ship. (*Vide* Dana's "Wheaton," p. 665, note, and Ortolan's "Regles Internationales," vol. ii, liv. 3, cap. 6.)

The claim in the same article to condemn the ship and cargo, on the ground of "carriage of official dispatches" generally, without limitation, is also confounded. It is not the fact that the carriage of all official dispatches works a condemnation. On the contrary, diplomatic dispatches are lawfully carried by a neutral vessel, (*vide* case of "Caroline," 6 Robertson's Reports, and Dana's note to "Wheaton," p. 643;) and the mere fact that dispatches are found on board a neutral vessel, in the absence of fraud or actual interposition in the service of the enemy, is no ground of confiscation. ("Hal-leck," p. 643.)

I have, therefore, to instruct you to inform the Spanish government that Her Majesty's government cannot admit the belligerent claims asserted in the above-mentioned articles.

It would be well that you should place this protest on record, even if the blockade should be abandoned.

I am, &c.,

GRANVILLE.

[Inclosure 2.]

Earl Granville to Mr. Layard.

No. 55.]

FOREIGN OFFICE, February 13, 1874.

SIR: By your telegrams of the 2d instant you informed me of the publication, in the Madrid Gazette, of a decree declaring a blockade of the northern coast of Spain from Cape Penas to Fuentarrabia, with the exception of the ports of Gijon, Santander, and San Sebastian, such blockade to commence on the 20th instant.

Her Majesty's government have taken this announcement into their serious consideration, and have consulted the law-officers of the Crown thereon.

They are advised that, assuming the blockade to be effective, they must recognize the fact that it exists *de facto* and *de jure*. The result, however, will be that the Carlists henceforth become belligerents.

Her Majesty's government presume that the parts of the coast to which the blockade is applied are in the hands of the Carlists, for the Madrid government cannot establish a municipal blockade of its own ports or coast, so as to entitle them to exercise on the high seas belligerent rights against foreign vessels.

I have, therefore, to instruct you to warn the Spanish government that the establishment of the proposed blockade must lead to the issue by Her Majesty's government of a proclamation of neutrality.

Your dispatches, No. 106, of the 2d, and No. 125, of the 6th instant, relative to the regulations under which the blockade, if established, is to be carried out, have been received. Those regulations will be carefully considered by Her Majesty's government, and a further instruction will be sent to you with regard to them.

The substance of this instruction has been sent to you by telegraph this day.

I am, &c.,

GRANVILLE.

No. 318.

Sir Edward Thornton to Mr. Fish.

WASHINGTON, March 11, 1874. (Received March 13.)

SIR: With reference to several conversations which I have had the honor of holding with you upon the subject of the conveyance of slaves from Tripoli through the island of Malta to Turkey, partly in British vessels, I have been instructed to inform you that a communication has been received from the governor of Malta upon this subject. In it his excellency expressed some surprise that the consul of the United States should have informed you that, whether from negligence or from worse motives, the authorities of the island were accused of not preventing the slaves in question from being conveyed in British steamers to Turkey, when it was notorious that they were really slaves, and would remain in a state of servitude after their arrival in Turkey.

His surprise, he said, was due to the circumstance that at the time when every possible effort was being made in Malta to ascertain the condition of the persons supposed to be slaves, and to prevent, as far as could be done according to law, any abuse of carrying a slave trade through that British possession, he was informed by the Crown advocate that Mr. Adams, the United States consul, called upon him for information, and that, after seeing all the papers connected with the investigation, he left Sir A. Dingle with the impression that he was satisfied of the groundlessness of the above-mentioned accusation. If, however, there is any point upon which the consul of the United States may have considered that the Maltese authorities failed in their duties, the governor of the island would be glad to be informed of it.

Earl Granville has further desired me to inform you that Her Majesty's consular officers on the north coast of Africa have been in the habit of reporting for some years past to Her Majesty's ambassador at Constantinople, and to the British consular officers in Egypt, every case in which they may have reason to suspect that slaves have been shipped for Turkey and Egypt, either by way of Malta or by any other route, and that Her Majesty's consuls, in both the above-mentioned countries, keep strict watch on all such arrivals, and have been instrumental in procuring the manumission of a large number of slaves.

Regarding your suggestion that the Maltese authorities should be instructed to telegraph to Her Majesty's consuls in Turkey whenever there is reason to suppose that a case of this traffic is occurring, Earl Granville has directed me to inform you that instructions have been issued to the governor of Malta in the sense above indicated.

I have, &c.,

EDW'D THORNTON.

No. 319.

*Mr. Davis to Sir Edward Thornton.*DEPARTMENT OF STATE,
Washington, April 4, 1874.

SIR: With the view to enable this Department to answer an inquiry made by the Secretary of the Treasury upon the subject, I shall be much obliged if you will inform me whether the laws of Canada deny to American vessels the right of transportation of goods and passen-

gers between Canadian ports to the extent to which it is granted to Canadian vessels plying between ports in this country, where such transportation is not regulated by the provisions of articles 26, 27, or 30, of the treaty of Washington.

I have, &c.,

J. C. B. DAVIS,
Acting Secretary.

No. 320.

Sir Edward Thornton to Mr. Davis.

WASHINGTON, April 6, 1874. (Received April 6.)

SIR: With reference to your note of the 4th instant, I regret that I am unable to furnish the information desired by the Secretary of the Treasury without referring your inquiry to the governor-general of Canada. I shall, however, have much pleasure in doing so, but I should at the same time be glad to be able to inform him to what extent the right of transportation of goods and passengers is granted to Canadian vessels plying between ports of the United States, where such transportation is not regulated by articles 26, 27, or 30 of the treaty of Washington.

I am unable to give him this information without your assistance, and should therefore be much obliged if you would put it in my power to do so.

I have, &c.,

EDW'D THORNTON.

No. 321.

Mr. Fish to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, April 24, 1874.

SIR: Referring to your note of the 6th instant, in which you request to be informed as to what extent the right of transportation of goods and passengers is granted to Canadian vessels plying between ports of the United States, where such transportation is not regulated by articles XXVI, XXVII, or XXX of the treaty of Washington, I have the honor to inclose herewith, for your information, a copy of a letter of the 11th instant, upon the subject, from the Secretary of the Treasury.

I have, &c.,

HAMILTON FISH.

[Inclosure.]

Mr. Richardson to Mr. Fish.

TREASURY DEPARTMENT,
Washington, D. C., April 11, 1874. (Received April 13.)

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant, transmitting a copy of a note from the British minister of the 6th instant, in which he expresses his willingness to obtain the information requested in the letter from this Department to you, dated the 31st ultimo, relative to the Canadian coasting trade, and desires to be advised to what extent the right of transportation of goods and passen-

gers is granted to Canadian vessels plying between ports of the United States where such transportation is not regulated by articles 26, 27, or 30 of the treaty of Washington.

In reply, I will thank you to inform the minister that, if merchandise be brought into the United States in a Canadian vessel from a foreign port or place, and specified in the manifest, verified on oath or affirmation before the collector at the first port of arrival as destined for other districts in the United States, the importing vessel may proceed with the same from district to district in order to the landing or delivery thereof, the duties on such goods only as are landed or delivered in any district to be paid or secured in such district. But before such vessel can depart from the district in which she may first arrive for another district, *if the departure be not within forty-eight hours* after arrival, with merchandise brought in her from a foreign port or place, duties not having been paid or secured, the master or person in charge or command of such vessel is required to obtain from the collector of the district a copy of the report and manifest, certified by said collector, to which must be annexed a certificate of the quantity and particulars of the goods landed within his district, or of the goods remaining on board upon which duties are to be paid or secured in some other district, and the master or person having charge or command of such vessel is also required to give bond, with one or more sureties, to the satisfaction of the collector of the district in which the vessel may first arrive, in a sum equal to the amount of the duties on the residue of the cargo, according to the estimate of the collector.

Within twenty-four hours after the arrival of the vessel in another district, the master, or person in command or charge thereof, is required to report to the collector of such district, exhibiting the certified copy of his first report, together with a certificate, as aforesaid, from the collector of every district within which any of the merchandise brought in such vessel shall have been landed, and the quantity and particulars thereof. The bond given as above will be canceled or discharged within six calendar months from the date thereof, on the production of a certificate from the collector of the district for which the goods have been reported, testifying the due entry and delivery of the goods in such district, or upon due proof, to the satisfaction of the collector by whom the bond was taken, that such entry and delivery were prevented by some unavoidable accident or casualty, and if the whole or any part of the goods shall not have been lost, that the same have been duly entered and delivered in the United States.

The master of any foreign vessel, laden or in ballast, arriving in the waters of the United States from any foreign territory adjacent to the northern, northeastern, and northwestern frontiers of the United States, must report at the office of the collector or deputy collector of customs nearest the point at which such vessel enters the waters of the United States, and present her clearance and manifest; and such vessel is not permitted to proceed farther inland, either to take or unload cargo, without a special permit from such collector or deputy, to be indorsed upon her clearance or manifest.

All vessels from any foreign contiguous territory, with cargo, must be actually unladen at the port of first arrival in the United States, in order to the inspection, entry, and appraisement of the cargo, if not duly corded and sealed, or if an inspector be not placed on board at such port at the request of the master, owner, or consignee of the cargo, and at his expense, who shall accompany the vessel to the place of destination, and if it be in another district, deliver her to the collector thereof, or if it be in the same district, superintend the unloading and inspect the cargo.

Trusting that the information given above may be sufficient to serve the purpose of the minister's inquiry.

I remain, &c.,

WM. A. RICHARDSON,
Secretary.

No. 322.

Sir Edward Thornton to Mr. Fish.

WASHINGTON, May 14, 1874. (Received May 15.)

SIR: I have the honor to transmit herewith copy of an act passed on the 28th of March last by the colony of Newfoundland, to carry into effect the provisions of the treaty of Washington, as far as they relate to that colony.

This act was specially confirmed by the Queen on the 12th instant, and I have been consequently instructed by the Earl of Derby to request you to invite the President of the United States to issue the necessary

proclamation, so that the provisions of the above-mentioned treaty may be carried into effect, with regard to Newfoundland, at as early a date as possible.

Should you think it expedient that a protocol should be signed, as was the case with regard to Canada and Prince Edward Island, I shall be happy to call at the Department of State whenever you shall be pleased to summon me.

I have, &c.,

EDW'D THORNTON.

[Inclosure.]

ACT OF THE NEWFOUNDLAND COLONY.

Anno tricesimo septimo Victoriae Reginae, Cap. II.

AN ACT to carry into effect the provisions of the treaty of Washington, as far as they relate to this colony. [Passed March 28, 1874.]

SECTION 1. Power to governor to declare articles of treaty in force.

SEC. 2. Governor may make orders, &c.

SEC. 3. Suspending clause and duration of act.

Whereas a treaty between Great Britain and the United States of America was signed at Washington on the eighth day of May, one thousand eight hundred and seventy-one, and was duly ratified on the seventeenth day of June in that year, containing the following articles, viz :

"It is further agreed, that the provisions and stipulations of articles eighteen to twenty-five of this treaty, inclusive, shall extend to the colony of Newfoundland, so far as they are applicable; but if the Imperial Parliament, the legislature of Newfoundland, or the Congress of the United States, shall not embrace the colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect; but the omission to make provision by law to give it effect by either of the legislative bodies aforesaid shall not in any way impair any other articles of this treaty."

Be it therefore enacted by the governor, legislative council, and assembly, in legislative session convened, as follows :

1st. The governor may, at any time hereafter, by his proclamation to be published in the Royal Gazette of this colony, declare that, after a time to be therein named, the provisions and stipulations of the said articles eighteen to twenty-five of the said treaty, inclusive, as set forth in the schedule to this act, shall extend to this colony of Newfoundland so far as they are applicable; and after the time so named in such proclamation, the provisions and stipulations of the said articles shall come into full force, operation, and effect in this colony, so far as the same are applicable, and shall thenceforth so continue in full force, operation, and effect, during the period mentioned in article thirty-three of the said treaty, recited in the schedule to this act, any law of this colony to the contrary notwithstanding.

2d. The governor in council may, by any order or orders to be made for that purpose, do any act or thing, in accordance with the spirit and intention of the said treaty, which shall be found necessary to be done on the part of this colony to give full force, operation, and effect to the said treaty; and any such order shall have the same effect as if the same were expressly enacted in this act.

3d. This act shall not come into operation until Her Majesty's assent thereto shall have been given; and shall remain in force during the term of years mentioned in article number thirty-three in the schedule of this act.

SCHEDULE.

Articles of the treaty of Washington of the eighth of May, one thousand eight hundred and seventy-one, which are referred to in the foregoing act :

ARTICLE 18. It is agreed by the high contracting parties that, in addition to the liberty secured to the United States fishermen by the convention between Great Britain and the United States, signed at London on the twentieth day of October, one thousand eight hundred and eighteen, of taking, curing, and dressing fish on certain coasts of the British North American colonies, therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty, for the term of years mentioned in article thirty-three of this treaty, to take fish of

every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbors, and creeks of the provinces of Quebec, Nova Scotia, and New Brunswick, and the colony of Prince Edward Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish: *Provided*, That in so doing they do not interfere with the rights of private property, or with British fishermen in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea-fishery, and that salmon and shad fisheries, and all other fisheries in rivers and the mouths of rivers, are hereby reserved exclusively for British fishermen.

ARTICLE 19. It is agreed by the high contracting parties that British subjects shall have, in common with the citizens of the United States, the liberty, for the term of years mentioned in article thirty-three of this treaty, to take fish of every kind, except shell-fish, on the eastern sea-coasts and shores of the United States, north of the thirty-ninth parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbors, and creeks of the said sea-coasts and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid for the purpose of drying their nets and curing their fish: *Provided*, That in so doing they do not interfere with the rights of private property, or with the fishermen of the United States in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea-fishery, and that salmon and shad fisheries, and all other fisheries in rivers and the mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

ARTICLE 20. It is agreed that the places designated by the commissioners appointed under the first article of the treaty between Great Britain and the United States, concluded at Washington on the fifth of June, one thousand eight hundred and fifty-four, upon the coast of Her Britannic Majesty's dominions and the United States, as places reserved from the common right of fishing under that treaty, shall be regarded as in like manner reserved from the common right of fishing under the preceding articles. In case any question should arise between the government of Her Britannic Majesty and of the United States as to the common right of fishing in places not thus designated as reserved, it is agreed that a commission shall be appointed to designate such places, and shall be constituted in the same manner, and have the same powers, duties, and authority, as the commission appointed under the said first article of the treaty of the fifth of June, one thousand eight hundred and fifty-four.

ARTICLE 21. It is agreed that, for the terms of years mentioned in article thirty-three of this treaty, fish-oil and fish of all kinds, (except fish of the inland lakes, and of the rivers falling into them, and except fish preserved in oil,) being the produce of the fisheries of the Dominion of Canada, or of Prince Edward Island, or of the United States, shall be admitted into each country, respectively, free of duty.

ARTICLE 22. Inasmuch as it is asserted by the government of Her Britannic Majesty that the privileges accorded to the citizens of the United States, under article eighteen of this treaty, are of greater value than those accorded by articles nineteen and twenty-one of this treaty to the subjects of Her Britannic Majesty, and this assertion is not admitted by the Government of the United States; it is further agreed that commissioners shall be appointed to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in the articles nineteen and twenty-one of this treaty, the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to the government of Her Britannic Majesty in return for the privileges accorded to the citizens of the United States under article eighteen of this treaty, and that any sum of money which the said commissioners may so award shall be paid by the United States Government, in a gross sum, within twelve months after such award shall have been given.

ARTICLE 23. The commissioners referred to in the preceding article shall be appointed in the following manner, that is to say: One commissioner shall be named by Her Britannic Majesty, one by the President of the United States, and a third by Her Britannic Majesty and the President of the United States conjointly; and in case a third commissioner shall not have been so named within a period of three months from the date when this article shall take effect, then the third commissioner shall be named by the representative at London of His Majesty the Emperor of Austria and King of Hungary. In case of death, absence, or incapacity of any commissioner, or in the event of any commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment, the period of three months, in case of such substitution, being calculated from the date of the happening of the vacancy.

The commissioners so named shall meet in the city of Halifax, in the province of Nova Scotia, at the earliest convenient period after they have been respectively named,

and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide the matters referred to them to the best of their judgment, and according to justice and equity; and such declaration shall be entered on the record of their proceedings. Each of the high contracting parties shall also name one person to attend the commission as its agent, to represent it generally in all matters connected with the commission.

ARTICLE 24. The proceedings shall be conducted in such order as the commissioners appointed under articles twenty-two and twenty-three of this treaty shall determine. They shall be bound to receive such oral or written testimony as either government shall present. If either party shall offer oral testimony, the other party shall have the right of cross-examination, under such rules as the commissioners shall prescribe.

If in the case submitted to the commissioners either party shall have specified or alluded to any report or document in its own exclusive possession without annexing a copy, such party shall be bound—if the other party thinks proper to apply for it—to furnish that party with a copy thereof; and either party may call upon the other, through the commissioners, to produce the original or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the commissioners may require.

The case on either side shall be closed within a period of six months from the date of the organization of the commission, and the commissioners shall be requested to give their award as soon as possible thereafter. The aforesaid period of six months may be extended for three months, in case of a vacancy occurring among the commissioners, under the circumstances contemplated in article twenty-three of this treaty.

ARTICLE 25. The commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a secretary and any other necessary officer or officers to assist them in the transaction of the business which may come before them.

Each of the high contracting parties shall pay its own commissioner and agent or counsel; all other expenses shall be defrayed by the two governments in equal moieties.

XXXIII. The foregoing articles, eighteen to twenty-five inclusive, and article thirty of this treaty, shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the parliament of Canada, and by the legislature of Prince Edward Island, on the one hand, and by the Congress of the United States on the other. Such assent having been given, the said articles shall remain in force for the period of ten years from the date at which they may come into operation; and further, until the expiration of two years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same, each of the high contracting parties being at liberty to give such notice to the other at the end of the said period of ten years, or at any time afterward.

No. 323.

Mr. Fish to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, May 18, 1874.

SIR: I have the honor to acknowledge the receipt of your note of the 14th instant, conveying the information that the act of the legislature of Newfoundland, passed by that body on the 28th of March, 1874, for the purpose of extending the provisions of articles XVIII to XXV, inclusive, of the treaty of Washington, to that colony, was specially confirmed by Her Majesty on the 12th instant, and inclosing a copy of the colonial act.

Presuming that the special confirmation mentioned is meant as signifying the assent of Her Majesty contemplated by the provisions of this act, I have the honor to state that the act of Congress, in pursuance of which the President is authorized to issue his proclamation extending the provisions of the articles in question to the colony of Newfoundland, provides that such proclamation may issue when the President shall have received satisfactory evidence that the colony of Newfoundland has consented "in a due and proper manner" to have the provisions

of the said articles extended to it. And the act of the colonial legislature contains the following provision, namely: "The governor may at any time hereafter, by his proclamation, to be published in the Royal Gazette of this colony, declare that after a time to be therein named the provisions and stipulations of the said article * * * shall extend to this colony of Newfoundland, so far as they are applicable."

The issue and publication of the governor's proclamation would therefore seem necessary to complete the required action of the colony in a due and proper manner. I inclose herewith for your information a copy of a draft of the proclamation which the President is prepared to issue on the subject, and have the honor to suggest the first of June proximo as the day when the reciprocal privileges secured by the articles of the treaty referred to shall become operative. I will thank you, if convenient, in the mean time to furnish me with a copy of the proclamation proposed to be issued by the governor of Newfoundland. Should any other date than that suggested be fixed by the latter, the President will no doubt adopt it, in order to have the provisions in question take effect simultaneously in regard to citizens of the United States and Her Majesty's subjects in Newfoundland.

I have, &c.,

HAMILTON FISH.

No. 324.

Mr. Fish to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, May 25, 1874.

SIR: With reference to the draft of a proclamation submitted by you at our interview on Saturday last, and which it is proposed shall be issued by his excellency the governor of Newfoundland, in relation to extending the provisions and stipulations of articles XVIII to XXV inclusive, and Article XXX of the treaty between the Government of the United States and Her Britannic Majesty, concluded at Washington on the 8th of May, 1871, to that colony, I have the honor to inform you that, with the modifications proposed to bring the proclamation into conformity with the act of the legislature of Newfoundland, passed March 28, 1874, and the further verbal change which I have indicated on the margin of the draft in question, *i. e.*, substituting the word "citizens" for "subjects," where the latter term is used in reference to citizens of the United States, the draft in question, it is conceived, will fulfill the requirements in regard to such proclamation.

I transmit herewith for your consideration a draft of a protocol, similar in form to that entered into on the 7th of June of last year, with reference to Canada and Prince Edward's Island.

Upon the conclusion of the protocol on the subject, the President has signified his willingness to issue his proclamation simultaneously with the issuing of the proclamation of his excellency the governor of Newfoundland.

By this arrangement it is believed that the provisions and stipulations of the articles named of the treaty of Washington may be given effect to between the citizens of the United States and Her Majesty's subjects in the colony of Newfoundland, on the 1st of June of the present year.

I have, &c.,

HAMILTON FISH.

No. 325.

*Sir Edward Thornton to Mr. Fish.*WASHINGTON, *May 26, 1874.* (Received May 27.)

SIR: I have the honor to acknowledge the receipt of your two notes of the 18th and 25th instant, respectively, relative to the act of the legislature of Newfoundland, passed by that body on March 28, 1874, for the purpose of extending the provisions of articles XVIII to XXV, inclusive, of the treaty of Washington to that colony, which act received the assent of the Queen on the 12th instant, as I had intended to convey in my note of the 14th instant.

I have been in telegraphic communication with the governor of Newfoundland since I received your note of yesterday's date, and I have received from his excellency this morning a message, informing me that he will issue his proclamation on Saturday next, to carry into effect the provisions of the treaty of Washington on Monday, the 1st of June next. This proclamation will be similar to that of which I handed you a printed copy on the 23d instant, modified so as to bring it into conformity with the act of the legislature of Newfoundland passed March 28, 1874, with the further verbal change which you indicated, *i. e.*, substituting the word "citizens" for "subjects," where the latter term is used in reference to citizens of the United States.

I shall have much pleasure in waiting upon you at the Department of State on any day which you may think proper to name, for the purpose of signing with you the protocol which accompanied your note of yesterday's date.

I have, &c.,

EDW'D THORNTON.

No. 326.*Mr. Fish to Sir Edward Thornton.*DEPARTMENT OF STATE,
Washington, May 27, 1874.

SIR: I have the honor to acknowledge the receipt of your note of the 26th instant, relating to the act of the legislature of Newfoundland, passed by that body on the 28th of March last, for the purpose of extending the provisions of articles XVIII to XXV inclusive, of the treaty of Washington, to that colony, which act received the assent of the Queen on the 12th instant, and informing the Department that you are in receipt of a message from his excellency the governor of Newfoundland, stating that he will issue his proclamation on Saturday next to carry into effect the provisions of the articles above referred to of the said treaty on Monday, the 1st of June next, and that this proclamation will be similar to the printed copy which you furnished me on the 23d instant, modified so as to bring it into conformity with the act of the legislature of Newfoundland, of the 28th of March, 1874, with the further verbal change indicated by this Department substituting the word "citizens" for "subjects," where the latter term is used in reference to citizens of the United States.

You also inform me of your readiness to call at this Department on any day which I may think proper to name for the purpose of sign-

ing with me the protocol transmitted with my note of the 25th instant.

In reply I have the honor to state that I shall be happy to have you call at this Department to-morrow, the 28th instant, for the purpose above indicated, and at the same time I will thank you to bring with you the protocol above referred to.

I have, &c.,

HAMILTON FISH.

No. 327.

Sir Edward Thornton to Mr. Fish.

WASHINGTON, June 10, 1874. (Received June 11.)

SIR: With reference to Mr. Bancroft Davis's note of the 4th of April last, and to yours of the 24th of that month, I have the honor to inform you that I have made inquiries from the governor-general of Canada relative to the right of American vessels to transport goods and passengers between Canadian ports, and that I find the case to be as follows:

With respect to the coasting-trade generally, Canadian vessels in the United States and United States vessels in Canada are at present placed in precisely the same position; and the vessels of each country are prohibited from engaging in the coasting trade of the other country, the only difference being that, under the laws of Canada, United States vessels can at any time participate in the coasting trade of Canada when it is shown to the governor in council that Canadian vessels have been admitted to the coasting-trade of the United States. It is understood that no provision exists in the laws of the United States for extending the privileges of the coasting-trade to foreign vessels.

With regard, however, to the practical working of the coasting laws and regulations of the Dominion, it has been customary so to interpret them as to permit foreign vessels, including those of the United States, having cargoes taken on board at a foreign port, and destined for several Canadian ports, to remove from one such port to another for the purpose of discharging her said original cargo, care being taken that no goods, other than those taken on board at the foreign port of departure, are received on board or discharged.

The same rule has been applied to vessels having passengers on board, the spirit of the law being interpreted so as to preclude foreign vessels from taking in goods or passengers at one Canadian port to be discharged or landed at another Canadian port.

It has also been customary for all foreign vessels arriving in Canadian ports in ballast, to remove when necessary to another Canadian port for the purpose of taking in cargo destined for a foreign port.

In all such cases the vessels are required to report their whole contents at the first port of entry, and file copies of the same at each succeeding port which they enter, with the certificate of the collectors as to the packages landed and remaining on board until the whole is discharged.

I have, &c.,

EDW'D THORNTON.

No. 328.

*Mr. Fish to Sir Edward Thornton.*DEPARTMENT OF STATE,
Washington, June 12, 1874.

SIR: I have the honor to acknowledge the reception of your note of the 10th instant, with reference to the coasting laws and regulations of Canada, and to avoid the possibility of misapprehending the practical working of these regulations, beg leave to ask information with regard to the concluding sentence of the paragraph, where it is said that "it has been customary so to interpret them as to permit foreign vessels, including those of the United States, having cargoes taken on board at a foreign port, and destined for several Canadian ports, to remove from one such port to another for the purpose of discharging her said original cargo, care being taken *that no goods other than those taken on board at the foreign port of departure are received on board or discharged.*"

The strict interpretation of the concluding sentence might imply that, although a foreign vessel is allowed to proceed from port to port in Canada, and to discharge parts of the cargo brought from abroad at successive ports, yet she is not allowed to receive on board at any Canadian port any "goods other than those taken on board at the foreign port of departure." This would practically be a refusal of permission to take a return cargo.

I beg, therefore, to ask whether the regulations are interpreted to prohibit the taking on board by a foreign vessel which may have discharged its cargo, brought from a foreign port, at more than one Canadian port, of any goods other than those taken on board at the foreign port of departure of the vessel.

The recent proclamation of a law relating to foreign vessels in Canadian ports has raised doubts and apprehensions as to the rights of American vessels in those ports, and I desire to be enabled to answer questions raised by parties anxious not to be brought in conflict with any of the regulations of the provinces.

I am, &c.,

HAMILTON FISH.

No. 329.

Sir Edward Thornton to Mr. Fish.

• WASHINGTON, June 19, 1874. (Received June 20.)

SIR: In compliance with an instruction from the Earl of Derby, I have the honor to inclose copy of a dispatch addressed to his lordship by Her Majesty's consul-general at Tripoli, in which he expresses his opinion that the slave traffic from Tripoli to Constantinople via Malta is on the decrease, and that there is no reason whatever for supposing that the Malta police authorities in any way connive at its existence.

I have, &c.,

EDW'D THORNTON.

[Inclosure.]

*Mr. Hay to the Earl of Derby.*BRITISH CONSULATE-GENERAL,
Tripoli, April 27, 1874.

MY LORD: In acknowledging the receipt of your lordship's dispatch S. T. No. 1, of the 26th ultimo, transmitting copy of a note and its inclosure, from Mr. Moran, chargé d'affaires of the United States, relative to an alleged slave-trade carried on from Malta between Tripoli and Turkey, I have the honor to state that nothing has come to my knowledge which will justify the imputation on the police authorities at Malta of having sanctioned or connived at any traffic in slaves being carried on from that island. It is nevertheless a fact that Turkish functionaries and military officers of every grade, leaving this port for Constantinople, whether via Malta or direct, are generally accompanied by domestic slaves, these latter being provided with passports by the mayor of this town, who is supposed not to furnish these documents until satisfied that the bearers proceed on the voyage as domestic servants and of their own free will. Under this system abuses have no doubt taken place, and those papers have often, I am informed, been furnished to the masters of slaves without any inquiries being made of the slaves themselves, a small bribe given by their masters smoothing all difficulties in the matter. Moreover, the slaves themselves are often willing and anxious to proceed to Constantinople, and assert that they are not slaves where they find that an admission of their real character would prove an obstacle to their departure, while at Malta they are still more unlikely to admit their state and demand their freedom than they would be here, in consequence of the belief generally prevailing among them (which is diligently kept alive by their masters) that the object of Malta authorities in endeavoring to get them free is to convert them to Christianity, and they are otherwise induced by threats and promises to assert their willingness to proceed on the voyage even when reluctant to do so.

With regard to the slave-trade in general, I am happy to be able to report a considerable decrease in the importation of slaves from the interior of Africa and their clandestine shipment from the coast, and a corresponding increase in the trade with the interior in ivory and ostrich-feathers, which would appear to be supplanting the traffic in human beings.

The facility with which slaves are able to obtain their freedom under the administration of Samih Pasha, the present governor-general, together with other measures taken by his excellency for discouraging the slave-trade, has no doubt contributed in great measure to this result. Samih Pasha has, since his arrival in this country, shown great readiness and promptitude in emancipating slaves for whom I have interceded, and in several instances in which the slaves had, by my advice, made application directly to his excellency, they were also granted their freedom. Samih Pasha's conduct in this respect contrasts favorably with that of his predecessors.

His excellency now assures me that he will take fresh measures for preventing the embarkation of any black people, unless of their own free will and as domestic servants. Samih Pasha's action in the matter of slaves has a tendency to make him unpopular among Turkish officials, and the general impression is that it will not be viewed with much favor at Constantinople. It would, under these circumstances, have an excellent effect if the Sublime Porte were to express their approval of his honest endeavors to carry out the many vizierial orders on the subject, which had been hitherto virtually disregarded.

I am, &c.,

T. R. DRUMMOND HAY.

The receipt of the above communication was acknowledged June 23, 1874.

 No. 330.
*Mr. Fish to Sir Edward Thornton.*DEPARTMENT OF STATE,
Washington, June 19, 1874.

SIR: In consequence of an official inquiry addressed to this Department, I take leave to ask whether Labrador forms part of the Dominion of Canada.

I am under the impression that it is politically attached to Newfoundland, but desire to be authoritatively informed on the question.

Have the goodness, also, to say whether any part of Labrador is separated from the jurisdiction of either the Dominion of Canada or that of Newfoundland.

I have, &c.,

HAMILTON FISH.

No. 331.

Mr. Watson to Mr. Fish.

WASHINGTON, *July 17, 1874.* (Received July 18.)

SIR: In obedience to an instruction which has been conveyed to me by Her Majesty's principal secretary of state for foreign affairs, I have the honor to state to you that, on the understanding that the draft reciprocity treaty for the reciprocal regulation of the commerce and trade between the United States and Canada, as agreed to by you, will be considered by the Senate in December next, Her Majesty's government will await the final result of the consideration which the treaty may then receive in the Senate before taking any fresh steps with regard to the fisheries commission.

I am further directed by the Earl of Derby to add that Her Majesty's government wish it to be clearly understood that their right to revert to the provisions of the treaty of Washington for the appointment of the fisheries commission is in no way prejudiced by the delay that has occurred, or that may occur, in consequence of the proceedings with reference to the reciprocity treaty.

I have, &c.,

R. G. WATSON.

No. 332.

Mr. Fish to Mr. Watson.

DEPARTMENT OF STATE,
Washington, July 18, 1874.

SIR: I have to acknowledge the reception of your note of 17th instant, wherein, in obedience to an instruction from Her Majesty's principal secretary of state for foreign affairs, you state that, on the understanding that the draft reciprocity treaty for the reciprocal regulation of the commerce and trade between the United States and Canada, as agreed to by you, (me,) will be considered by the Senate in December next, Her Majesty's government will await the final result of the consideration which the treaty may then receive in the Senate before taking any fresh steps with regard to the fisheries commission, and that you are further directed by the Earl of Derby to add that Her Majesty's government wish it to be clearly understood that their right to revert to the provisions of the treaty of Washington for the appointment of the fisheries commission is in no way prejudiced by the delay that has occurred or that may occur in consequence of the proceedings with reference to the reciprocity treaty.

I have the honor to call your attention, in connection with the reference to the treaty "as agreed to by you," (me,) to the fact that the proposed draft of the treaty was not signed by me, and that it was presented by the President to the Senate as a draft of a treaty submitted to the Secretary of State by the plenipotentiaries of Her Britannic Majesty at Washington for the consideration of the President. The injunction of secrecy having been removed, I have the honor to inclose a copy of the message of the President transmitting the draft of the treaty to the Senate, and a report from myself to the President showing the extent to which the proposed treaty may be said to have been agreed to.

I should further observe that, while the Senate has postponed the subject "to the next session of Congress, commencing in December next," that body has not given any assurances that the consideration of the treaty will be had during the month of December next.

I make these statements to avoid the possibility of misapprehension of silence, under the declaration contained in your note, the slight errors implied in your communication being, as I infer, the result of accidental misinformation as to the actual action of the several branches of the Government in relation to the proposed treaty.

With respect to the concluding part of your note, it is fully understood on the part of this Government that no rights under the treaty of Washington, which may have existed in behalf of either party thereto at the date when the negotiations with respect to the proposed reciprocity treaty were begun, are to be prejudiced by the delay which has occurred, or that may occur, in consequence of such negotiations up to the action of the Senate upon the proposed treaty.

I have, &c.,

HAMILTON FISH.

No. 333.

Mr. Watson to Mr. Fish.

NEWPORT, R. I., *July 24, 1874.* (Received July 27.)

SIR: I have the honor to inform you that I have been instructed by the Earl of Derby to communicate to the United States Government the accompanying copy of a dispatch which has been addressed by his lordship to Her Majesty's ambassador at St. Petersburg, respecting the proposed conference at Brussels.

As you were so good as to inform me verbally at Washington that it is not the intention of the United States Government to be represented at the conference, it is unnecessary for me to request to be informed, as I am directed to do, whether the United States Government will give a similar assurance to that which Her Majesty's government have requested of the Russian government, that their delegates at the conference shall be instructed to confine themselves to the consideration of details of military operations of the nature of those dealt with in the project of the Russian government, and shall not entertain in any shape, directly or indirectly, anything relating to maritime operations or naval warfare.

I have, &c.,

R. G. WATSON.

[Inclosure.]

The Earl of Derby to Lord A. Loftus.

No. 175.]

FOREIGN OFFICE, July 4, 1874.

MY LORD: Her Majesty's government have considered, with all the attention which so important a proposal deserves, the project of the Emperor of Russia for a conference to be held at Brussels to discuss the rules of military warfare.

Her Majesty's government highly appreciate the humane motives by which His Imperial Majesty is actuated in making this proposal, and concur in the earnest desire evinced by His Imperial Majesty to mitigate the horrors of war.

At the same time Her Majesty's government are not convinced of the practical necessity for such a scheme for the guidance of military commanders in the field, and cannot but fear that, unless the discussion is conducted in the most guarded manner, the examination of any such project in a conference at the present juncture may re-open causes of difference and lead to recrimination between some of the delegates appointed to take part in it.

Nor do Her Majesty's government fully understand the scope which is intended to be given to the deliberations of the delegates.

The proposal of a conference at Brussels was first made by the Society for the Amelioration of the Condition of Prisoners of War, and was confined to that subject. Before, however, Her Majesty's government had expressed any opinion on the expediency of accepting the invitation thus given, they were requested by the Russian government to suspend their action in the matter until the draught project then in preparation by that government was completed.

This project has proved to contain a detailed scheme for the conduct of military operations, of which the treatment of prisoners of war occupies but a small part. Prince Gortchakow, moreover, in his dispatch of the 17th April, states that "le projet que nous soumettons à l'examen des cabinets n'est qu'un point de départ pour les délibérations ultérieures qui, nous aimons à l'espérer, prépareront le terrain d'une entente générale."

That Her Majesty's government would be happy to join with the government of the Emperor of Russia in any measure for the prevention of unnecessary suffering, is shown by Great Britain having already, with that object, acceded to the declarations relating to the Geneva Cross and the use of explosive bullets; and Her Majesty's government would not, therefore, now be prepared to take exception to a discussion in a conference of delegates of such details of warlike operations in the field as it might be found useful and practicable to advise upon, but Her Majesty's government are firmly determined not to enter into any discussion of the rules of international law by which the relations of belligerents are guided, or to undertake any new obligations or engagements of any kind in regard to general principles.

Her Majesty's government deem it to be of great importance that they should frankly make this statement at the outset, and this has become the more necessary since rumors are current that one government at least has contemplated sending a naval delegate to the conference, under the impression, apparently, that naval matters may be introduced as subjects of consideration and discussion.

Her Majesty's government feel assured that such an extension of the scope of the conference would be fatal to any agreement on the particular details of military regulations which it is the desire of the Emperor of Russia to have considered, and they are certain, therefore, that in protesting against it, in anticipation, they will only be acting in accordance with His Imperial Majesty's views and wishes for a successful issue to the conference which he has proposed should be assembled.

I have accordingly to request your excellency to state to the Russian government that, before agreeing to send a delegate to the conference, Her Majesty's government must request the most positive and distinct assurance from that government, as well as from the governments of all the powers invited to take part in the conference, that their delegates at the conference shall be instructed to confine themselves to the consideration of details of military operations of the nature of those dealt with in the project of the Russian government, and shall not entertain, in any shape, directly or indirectly, anything relating to maritime operations or naval warfare.

I have to add that this dispatch will be communicated to the governments of all the powers invited to take part in the conference, and a similar assurance requested from each of them.

Your excellency will read this dispatch to Prince Gortchakow, or whoever may be acting for him in his absence, and furnish him with a copy of it.

I am, &c.,

DERBY.

No. 334.

*Mr. Watson to Mr. Fish.*NEWPORT, R. I., *July 24, 1874.* (Received July 27.)

SIR: A dispatch has been transmitted to Her Majesty's principal secretary of state for foreign affairs by Her Majesty's chargé d'affaires in Central America, giving an account of the circumstances attending a barbarous outrage which was perpetrated at San José of Guatemala, on the 24th of April last, by order of the then commandante of that place, by name Gonzalez, on the person of the British vice-consul, Mr. John Magee.

In the statement by Mr. Magee, accompanying the dispatch above alluded to, testimony is borne to the loyal conduct toward his colleague of Mr. Edwin James, the United States consular agent at San José, who presented himself before the commandante, and delivered to him an official protest against his outrageous proceeding, thereby incurring the threat from Gonzalez of personal violence toward himself. He, notwithstanding this, stood by his colleague throughout this very painful affair, and was the means of Mr. Magee's life being saved, at the peril of his own. Her Majesty's government have learned with much satisfaction the active exertions which were made by Mr. James on this occasion, and I have been instructed by the Earl of Derby to request the Government of the United States to convey to Mr. James the thanks of the Queen, and of Her Majesty's government, for his conduct. I have the honor further to state to you, sir, that Her Majesty's government have also learned with much satisfaction the support and co-operation rendered by the United States representative in Guatemala to Her Majesty's chargé d'affaires on the occasion in question.

I have, &c.,

R. G. WATSON.

No. 335.

*Mr. Fish to Sir Edward Watson.*DEPARTMENT OF STATE,
Washington, July 27, 1874.

SIR: Referring to my note of the 19th of June last to Sir Edward Thornton, inquiring as to whether Labrador forms a part of the Dominion of Canada, and making some other inquiries as to the jurisdiction over that dependency, and referring also to a conversation I subsequently held with yourself, when you informed me that a telegram you had received on the subject was not sufficiently clear to enable you to satisfy my inquiries, and that you were expecting fuller information by mail, I take the liberty of recalling your attention to the subject, in the hope that you may have further information to communicate to me by this time in relation to it. I am the more anxious to learn the exact political relations of Labrador to the Dominion government and that of other provinces, on account of cases that have arisen in the Treasury Department, the decision of which depends in a measure upon your reply.

I have, &c.,

HAMILTON FISH.

No. 336.

*Mr. Watson to Mr. Fish.*NEWPORT, R. I., *July 30, 1874.* (Received August 3.)

SIR: In reply to your letter of the 27th instant, which I received last evening, I have the honor to inform you that I telegraphed to you this morning as follows: "The boundary-line between Labrador is a line drawn due north and south from the Bay or Harbor of Ance Sablon, inclusive, as far as fifty-second degree of north latitude. (See Imperial Statutes 6, George IV, cap. 59.) Labrador is under the jurisdiction of Newfoundland."

I informed you at the same time that I should communicate to you the dispatch on the subject which I expect from Lord Dufferin, so soon as I receive it.

I regret much if you have been put to any inconvenience by the delay in replying to your note to Sir Edward Thornton, of the 19th of June last.

I have, &c.,

R. G. WATSON.

No. 337.

*Mr. Watson to Mr. Fish.*WASHINGTON, *September 3, 1874.* (Received September 5.)

SIR: With reference to the conversation which I had the honor to hold with you to-day on the subject of the recent suppression of the coolie trade at Macao, and the suspicions which, in consequence of the subsequent increase of the Chinese emigration to San Francisco, are entertained lest a portion of this emigration should surreptitiously be diverted to Peru or Cuba, I do myself the honor to transmit to you herewith for your information the copy of a dispatch and its inclosure which has been addressed to Lord Carnarvon by the governor of Hong-Kong.

I have, &c.,

R. G. WATSON.

[Inclosure.]

Sir A. E. Kennedy to the Earl of Carnarvon.

GOVERNMENT HOUSE,
Hong-Kong, May 22, 1874.

MY LORD: Adverting generally to the correspondence between the government of Hong-Kong and Her Majesty's government on the subject of the Macao coolie trade, I have the honor to transmit, for your lordship's information, a return of the number of coolies shipped from Hong-Kong to San Francisco between 9th January and the 16th May, 1874, showing a total of 7,591, and to this return may be added the ships now preparing for departure, carrying 930 and 281 respectively, making a total of 8,802 shipped in less than five months.

I confess that I cannot but regard this growing trade with suspicion, and I think the attention of Her Majesty's consuls in America, Cuba, and Peru should be called to it.

The direct trade in coolies between Macao and the two latter countries being for the present prohibited, attempts to meet their demands will surely be made through indirect channels.

Judging from the personal knowledge I possess of San Francisco, and the char-

acter of the persons engaged in the transport of coolies between Hong-Kong and San Francisco, I can see no insuperable obstacle to the export of coolies from the latter port (or even their transshipment) to Peru and Cuba.

This course would be less lucrative to coolie traders than the direct trade from Macao, which is at present prohibited, but it would still yield a large profit.

Having regard to the urgent demand for coolies in Cuba and Peru, and the abundant means of supply here, and the enormous profits of the carrying trade, it must be expected that no means will be left untried to continue the traffic, which is, I fear, only for a time suspended at Macao, where there are still a number of coolie ships under the Peruvian flag lying idle.

In the case of the *Florencia*, lately reported on by me, I am informed on authority which I cannot doubt, that the coolies to load her outside the harbor of Hong-Kong were absolutely contracted for, and ready at Macao for shipment.

Had this venture succeeded, the remaining ships at Macao would undoubtedly have followed her example.

I am happy to believe that I am supported by all respectable persons, and the public opinion of Hong-Kong, in the repressive measures which have been adopted to avert the scandals of the coolie trade from our port.

I have, &c.,

A. E. KENNEDY,
Governor.

Return of vessels cleared hence [Hong-Kong] for California from January 1 to May 18, 1874, inclusive.

Date cleared.	Ship's name. (Steamers marked S.)	Tons.	Nationality of ships.	Whither bound.	Adults.		Children.		Total.	Total each month.	Remarks.
					Male.	Female.	Male.	Female.			
1874.											
Jan. 9	Vasco de Gama, S	1,980	British	San Francisco	185	42	24	3	209	686	January.
12	Japan, S	4,404	American	do	382	13	50	3	477	888	February.
Feb. 12	Great Republic, S	3,881	do	do	218	19	34	1	265	2,473	March.
27	Alaska, S	4,011	do	do	581	1	42	1	623	1,900	April.
Mar. 16	China, S	3,836	do	do	929	1	70	1	1,019	1,644	May.
27	Colorado, S	3,727	do	do	793	1	36	1	796		
27	Scotland, S	1,176	British	do	622	1	40	1	638		
Apr. 4	Vasco de Gama, S	1,980	do	do	586	1	29	1	626		
4	Gentoo	1,779	American	do	275	1	17	1	304		
15	Japan, S	4,404	do	do	953	1	29	1	970		
13	Great Republic, S	3,881	do	do	1,029	1	1	1	1,030		
16	Vancouver, S	1,937	British	do	585	1	29	1	614		
	Total	36,046			7,138	75	373	5	7,591		

HARBOR DEPARTMENT, Hong-Kong, May, 1874.

H. G. THORNSETT, Harbor-Master.

List of Chinese passenger-ships about to be dispatched for the undermentioned places.

Name of ship.	Tonnage.	Rig.	Flag.	Name of master.	Number of passengers.	Destination.	Probable date of sailing.	Consignees.
Lord of the Isles	1,845	Steamer	British	Dowdy	930	San Francisco	May 21	Nagel, Hagedorn & Co.
Nightingale	722	Ship	American	Carter	281	do	June 20	Russell & Co.

HARBOR DEPARTMENT, Hong-Kong, May 18, 1874.

H. G. THORNSETT, Harbor-Master, &c.

No. 338.

*Mr. Watson to Mr. Fish.*WASHINGTON, *September 9, 1874.* (Received September 10.)

SIR: I have the honor to state to you that I have been directed by the Earl of Derby to express to you the acknowledgment of Her Majesty's government for the readiness with which you have been so good as to meet their wishes, as proposed by them through me, with relation to the arrangement for the payment of the award under the mixed commission.

I beg to take this opportunity of saying that I have sent instructions to Mr. Howard, who may be expected to arrive at New York in the course of a day or two, to proceed by the earliest opportunity to Washington with a view to no time being lost in communicating with you, so far as may be necessary, for the further arrangements of this matter.

I have, &c.,

R. G. WATSON.

No. 339.

Mr. Cadwalader to Mr. Watson.

DEPARTMENT OF STATE,

Washington, September 19, 1874.

DEAR MR. WATSON: I believe that Mr. Fish arranged all the details concerning the payment of the amount awarded by the late commission with yourself and Mr. Howard before his departure.

The drafts have been drawn, and I shall be prepared to deliver them, and take the receipts on Monday, the 21st, as agreed upon. As no hour appears to have been fixed, I shall be ready at 12 o'clock, unless some other hour may be more convenient to you.

Very truly, yours,

JOHN L. CADWALADER.

No. 340.

*Mr. Watson to Mr. Cadwalader.*WASHINGTON, *September 21, 1874.* (Received Sept. 21.)

SIR: I have the honor to request you to inform the Secretary of the Treasury that Mr. Henry Howard, of this legation, and myself have been named by Her Majesty's government as joint agents for the distribution of the award made by the commissioners of the mixed commission, appointed under the XIIth article of the treaty signed at Washington on the 8th of May, 1871, between the United States of America and Her Britannic Majesty, and that, until further notice shall have been given, the drafts on the United States Treasury which have been delivered to Mr. Howard and myself this day by the United States Government in payment of the said award will be indorsed by us.

I herewith inclose, in duplicate, my own signature and that of Mr. Howard.

I have, &c.,

R. G. WATSON.

No. 341.

*Mr. Watson to Mr. Fish.*WASHINGTON, *September 21, 1874.* (Received Sept. 22.)

SIR: I do myself the honor to transmit to you herewith copy of a dispatch which I have received from the Earl of Derby, Her Britannic Majesty's principal secretary of state for foreign affairs, by which I am appointed by his lordship to act with Mr. Howard, while I may be the representative of Her Majesty's government in the United States, as joint agent with him for the distribution of the award of the commission which was established under the XIIth article of the treaty of Washington.

I have, &c.,

R. G. WATSON.

[Inclosure.]

The Earl of Derby to Mr. Watson.

No. 284.]

FOREIGN OFFICE.

SIR: I transmit to you herewith, for your information and guidance, a copy of a dispatch which I have addressed to Mr. Howard, appointing him specially as Her Majesty's agent for the distribution of the award of the commission established under the XIIth article of the treaty of Washington.

You will see, from this dispatch, that it is the intention of Her Majesty's government that there should be two agents—Mr. Howard, who should undertake the correspondence with the claimant, and the details of the distribution, and Her Majesty's representative at Washington, who should act jointly with him in signing the receipt to be delivered to the Government of the United States, and in indorsing the checks on the United States Treasury for the several separate awards, and who will also satisfy himself that the parties claiming to receive payments are the persons properly entitled thereto.

It is unnecessary for me to recapitulate the instructions then given to Mr. Howard, to whom Her Majesty's secretary feels confident that you will readily afford all the assistance and support in your power in the discharge of the duties he is called upon to perform.

I have only, therefore, to appoint you to act with him as joint agent, for which your character as Her Majesty's chargé d'affaires will be a sufficient qualification.

I am, &c.,

DERBY.

No. 342.

Receipt signed in duplicate by the British agents on payment by the Secretary of State of the amount awarded to British claimants by the United States and British Claims Commission, September 21, 1874.

The undersigned, Robert Grant Watson, esquire, Her Britannic Majesty's chargé d'affaires, and Henry Howard, esquire, Her Britannic Majesty's agents in this behalf, do hereby declare that they have, on this twenty-first day of September, one thousand eight hundred and seventy-four, received from the United States of America the sum of one million nine hundred and twenty-nine thousand eight hundred and nineteen dollars in gold, being the amount awarded by the commissioners, to be paid by the United States of America to the government of Her Britannic Majesty, in accordance with the award which was signed at Newport, Rhode Island, United States, on the twenty-fifth of September, 1873, by the said commissioners of the mixed commission, appointed under the twelfth article of the treaty signed at Washington,

on the 8th day of May, 1871, between the United States of America and Her Britannic Majesty; less, however, the sum of forty-eight thousand two hundred and forty-five dollars and forty-seven cents in gold being one-half of the deduction provided for by Article XVI of the treaty aforesaid.

In witness whereof, we, the aforesaid agents of Her Britannic Majesty, have subscribed our names to this receipt in duplicate at Washington, on this twenty-first day of September, in the year of our Lord 1874.

R. G. WATSON,
Her Britannic Majesty's Chargé d'Affaires.
H. HOWARD,
Her Britannic Majesty's Agent.

No. 343.

Mr. Fish to Sir Edward Thornton.

DEPARTMENT OF STATE,
Washington, October 24, 1874.

SIR: Referring to the note addressed to you by this Department under date of the 19th of June last, and to subsequent correspondence with Mr. Watson on the subject, I have the honor to inform you that the Secretary of the Treasury has declined to admit free of duty certain exports from Labrador, now at New York, in the absence of information as to whether Labrador is a part of the colony of Newfoundland, and that it is apprehended that considerable difficulty will occur for want of this information, which can only be furnished by the authorities of Great Britain.

I have, &c.,

HAMILTON FISH.

No. 344.

Sir Edward Thornton to Mr. Fish.

WASHINGTON, *October 26, 1874.* (Received October 26.)

SIR: I have the honor to acknowledge the receipt of your note of the 24th instant and to express my great regret that it has been out of my power as yet to give a positive answer to your question with regard to the political position of Labrador. I can, however, assure you that the delay has not been caused by any neglect on the part of this legation.

From information which I have received this morning, I am now enabled to state positively that the whole of Labrador outside of the province of Quebec, the boundary of which is laid down in the imperial statute, 6 George IV, ch. 59, is under the jurisdiction and government of the colony of Newfoundland, and is actually included in and forms a part of the colony.

I have, &c.,

EDW'D THORNTON.

No. 345.

Mr. Fish to Sir Edward Thornton.

DEPARTMENT OF STATE.

Washington, October 27, 1874.

SIR: I have the honor to acknowledge the receipt of your note of yesterday's date, in which you are pleased to state, in answer to the inquiry of this Department, that the whole of Labrador outside of the province of Quebec, is under the jurisdiction and government of the colony of Newfoundland, and is actually included in and forms a part of that colony.

Thanking you for this information, I have, &c.,

HAMILTON FISH.

No. 346.

*Sir Edward Thornton to Mr. Fish.*WASHINGTON, *October 28, 1874.* (Received Oct. 29.)

SIR: With reference to several conversations which I have had the honor of holding with you on the subject of the passage of slaves from Tripoli to Turkey by way of Malta, in which you communicated to me the information transmitted to his Government by the consul of the United States at Tripoli, respecting the alleged laxity of the police of that island in regard to the transit through it of those African slaves, I have been instructed by the Earl of Derby to state that, in consequence of this representation, a commission was appointed on the 8th of May to inquire fully into the matter.

The report of this commission has been carefully considered in communication with the law advisers of the Crown, and Her Majesty's government sees no reason for believing that the Malta police failed in their duty in the cases which form the subject of the depositions sent to Washington by the United States consul at Tripoli, and communicated to Lord Derby by Mr. Moran.

His lordship has further instructed me, in acquainting the Government of the United States with the decision at which Her Majesty's government has arrived, to suggest that it would be far more conducive to the detection of any case of real slave dealing if the United States consular authorities were to communicate in a more unreserved manner, than appears to have been the case in the circumstances under discussion, with the British officials, who, as you must be fully aware, yield to no one in their desire to stop the slave trade by every legal means in their power.

I am also instructed to inform you that while United States consular officers have cast doubts on the good faith of the Malta authorities in this matter, representations have, on the other hand, been received from the Ottoman ambassador complaining of their action in the steps, which they have considered it their duty to take, in interrogating Turkish subjects passing through the island who may be suspected of having slaves in their custody.

I have, &c.,

EDW'D THORNTON.

No. 347.

*Mr. Cadwalader to Sir Edward Thornton.*DEPARTMENT OF STATE,
Washington, November 5, 1874.

SIR: I have the honor to acknowledge the receipt of your note of the 28th ultimo, informing this Department of the result of the investigation made by the commission appointed to inquire into the conduct of the police authorities at Malta, with reference to the African slave trade alleged to be carried on between Tripoli and Constantinople through that island, and suggesting that it would be far more conducive to the detection of any case of real slave dealing, if the United States consular authorities were to communicate in a more unreserved manner than appears to have been done in this case by the consul at Tripoli, whose representations led to this investigation, with British officials.

I have, &c.,

JOHN L. CADWALADER,
Acting Secretary.

No. 348.

Sir Edward Thornton to Mr. Fish.

WASHINGTON, November 13, 1874. (Received Nov. 13.)

SIR: With reference to your note of the 17th of January last, transmitting copies of the Treasury Regulations governing the transportation of dutiable merchandise between the Dominion of Canada and the United States, I have already had the honor to inform you that I had forwarded those documents to the Governor-General of Canada.

I have now the honor to inclose copies of a dispatch and of its inclosures, which I have received from his excellency in reply to my communication on the above subject.

I have, &c.,

EDW'D THORNTON.

No. 46.]

*Lord Dufferin to Sir Edward Thornton.*CANADA GOVERNMENT HOUSE,
Ottawa, November 9, 1874.

SIR: I have the honor to transmit herewith copies of two orders of the privy council of Canada, having reference to the regulations governing the transportation of dutiable merchandise between the Dominion and the United States, under the treaty of Washington and the acts giving effect thereto.

One of these minutes conveys the approval of my government of the regulations proposed by the United States Treasury, a copy of which was inclosed in your dispatch, No. 5, of 19th January last, and the other recommends the adoption of corresponding regulations prepared in the department of the minister of customs, a draft copy of which is appended to the order in council for your information.

I have, &c.,

DUFFERIN.

Copy of a report of a committee of the honorable the privy council, approved by his excellency the governor-general on the 4th November, 1874.

The committee of council have had under consideration the dispatch No. 5, dated January 19, 1874, from Her Majesty's minister at Washington, transmitting copies of a note from the Secretary of State of the United States of the 14th of that month, inclosing copies of the proposed regulations adopted by the Treasury Department, Washington, to govern the transportation of dutiable merchandise between the Dominion of Canada and the United States, under the treaty of Washington and the acts of Congress therein referred to.

The honorable the minister of customs, to whom the above-mentioned regulations

were referred, reports that he has examined the same, and finds them to be in accordance with the treaty, and, in his opinion, sufficient for all the purposes intended, and recommends that they be approved by your excellency in council.

The committee concur in opinion with the minister of customs, and advise that the regulations submitted and hereunto annexed be approved accordingly.

Certified:

W. A. HIMSWORTH,
Clerk Privy Council, Canada.

Copy of a report of a committee of the honorable the privy council, approved by his excellency the governor-general on the 4th day of November, 1874.

The committee of the privy council have had under consideration a memorandum dated 27th October, 1874, from the honorable the minister of customs, submitting with reference to the regulations adopted by the Treasury Department of the Government of the United States governing the transportation of dutiable merchandise between the Dominion of Canada and the United States under the treaty of Washington, and with special reference to article 19 of said regulations governing the transit of merchandise from one American port to another through this Dominion, a draft, hereunto annexed, of corresponding regulations governing the transit of Canadian dutiable goods from one port of the Dominion to another through the territory of the United States, and recommending that an order in council do pass authorizing the adoption thereof.

The committee advise that the draught regulations herewith submitted be approved and adopted.

Certified:

W. A. HIMSWORTH,
Clerk Privy Council, Canada.

Regulations governing the transportation of Canadian merchandise from one port of the Dominion to another through the territory of the United States, under article 30 of the treaty of Washington, and the act 35 Victoria, chapter 2, giving effect thereto.

ARTICLE 1. Goods, wares, and merchandise in transit from one port or place within the Dominion of Canada to another by a route a part of which is by land-carriage through the territory of the United States, and a part by the great lakes and the rivers connecting the same, or by the river St. Lawrence, may be transported by water in either American or British vessels from ports on the Canadian frontier to ports on the northern frontier of the United States for transshipment to railway-cars, and from points on the said northern frontier of the United States at the termini of railway transportation to ports on the Canadian frontier in either American or British vessels.

ART. 2. If the goods are subject to duty, they must be shipped under the ordinary transportation entry and bond, and, if the character of the goods will admit of it, must be duly corded and sealed.

ART. 3. Special manifests, in triplicate, shall be prepared at the port of shipment, for merchandise forwarded in this manner, describing the merchandise and setting forth the route over which it is to pass, one copy of which shall accompany the merchandise and be kept in the custody of the master of the vessel, or conductor of the car, as the case may be, one copy retained by the customs officer at the port or place of shipment, and the third copy forwarded to the customs officer at the port or place where the merchandise shall be returned to Canada.

ART. 4. At the first port or place of transshipment in the United States, the merchandise, or the packages thereof, if corded and sealed, shall be examined and compared with the special manifest accompanying the same, and the result thereof certified to by some officer of the Canadian or United States customs; the manifests shall then be passed over to the conductor of the cars into which the merchandise shall be laden for transportation through the United States.

Examination in the same manner shall be had at the second place of transshipment, or at the terminus of railway transportation, and at the port or place where the merchandise shall be returned into the Dominion of Canada. On arrival of the merchandise at the first port in Canada, after the transit, it must be immediately reported to the collector or other chief officer of the customs, by the delivery of the manifest sent with the goods, with notice of such arrival, and of the wharf, depot, or place where the vessel and merchandise are to be found, indorsed thereon, to be signed by the master of the vessel or consignee of the goods, and such merchandise shall be delivered into the actual custody of the proper officer of the customs.

ART. 5. If the goods, wares, or merchandise to be removed, under these regulations, consist of spirituous liquors or wine, the packages containing the same shall be re-gauged and the contents tested, so as to ascertain the percentage of proof-spirit, by Sykes's hydrometer, and the contents in proof-gallons shall be clearly stated on the face of the manifest and legibly marked upon each package, and, if considered necessary by the proper officer of customs, shall be again gauged and tested in like manner on arrival at the destined Canadian port.

GREECE.

No. 349.

Mr. Francis to Mr. Fish.

[Extract.]

No. 125.]

LEGATION OF THE UNITED STATES,
Athens, May 24, 1873. (Received June 16.)

SIR: Among the recent measures of the Greek government awaiting the action of the chamber is the following:

That part of the *ecvolades* which was claimed by the late Franco-Italian Company, as lying within the area of the mine conceded to them, has now been conceded to the new Laurium Company (see my dispatch numbered 114) by a convention signed on the 11th instant. The principal provisions of this convention are as follows: The company is to smelt down the *ecvolades*, together with the scoria, which already belong to them, and on the lead from which they now pay the state a royalty of 10 per cent., when the scoria is taken from private lands, and 30 per cent. when taken from national lands. The lead produced in the future from the joint smelting, both of the scoria and *ecvolades*, is to pay 44 cent., after deducting the working-expenses. This 44 per cent. is to be paid either in metal or in cash at the option of the government. The company binds itself to erect within two years twelve additional furnaces, making thirty altogether, twenty of which are to be kept constantly at work producing a minimum quantity of 12,000 tons of lead annually. The company is to be governed by a board of twelve directors, two of whom, possessing three votes, will be named by the government; the government also to appoint a royal commission to inspect the work at Laurium. As regards the *ecvolades* lying in other parts of Laurium, and which are of vastly greater extent than those conceded as above, it is stipulated that if up to the time of the ratification of this convention by the chamber no better offers be made, they will also be conceded to the company, and in that case the company will pay a royalty on all the lead produced of 50 instead of 44 per cent., and will erect twelve more furnaces, making in all forty-two furnaces. Under this convention, even if the latter part of the agreement is not availed of, it is estimated that the income of the government from the Laurium mines will not be less than 2,000,000 drachma, or some \$330,000 annually. Last year the income of the government from this source was about \$38,000.

* * * * *

The Greek army has been reduced 1,000 men, leaving the whole number about 10,000. This is a saving of 500,000 drachma, or about \$82,000, a year.

One of the two Greek iron-clads, the King George, is being dismantled, and will be laid up. This is a saving of 100,000 drachma, or over \$16,500, a year.

I am, &c.,

JOHN M. FRANCIS.

No. 350.

Mr. Read to Mr. Fish.

[Extract.]

No. 15.]

UNITED STATES LEGATION,
Athens, April 3, 1874. (Received April 30.)

SIR: I have the honor to inform you that I have been requested by many highly respectable and influential citizens to pray the Government not to increase the duty upon dried currants. * * * A number of Greek and American merchants have lately learned that a proposition is before the House of Representatives to double this importation tax.

Commending the subject anew to the favorable notice of the Department, and referring to previous elaborate communications upon this subject,

I have, &c.,

JOHN MEREDITH READ, JR.

No. 351.

Mr. Read to Mr. Fish.

[Extract.]

No. 20.]

UNITED STATES LEGATION,
Athens, May 3, 1874. (Received May 25.)

SIR: I have the honor to report that the Bulgarian ministry tendered its resignation on the 27th of April at 12 o'clock meridian.

Parliament had adjourned on the 8th of April for the Easter holidays, and the cabinet decided to retire from office a few hours before it re-assembled. The cause alleged was the want of a working majority in the chamber.

The house met the same day at 2 p. m., but it adjourned upon being informed by its president, Mr. Zaïmis, that the ministers had withdrawn.

Upon the following day, Mr. Zaïmis was invited to the palace to give his opinion upon the relative strength and position of parties in Parliament. He was also asked to point out to the King the gentleman possessing the best chance of support as the head of a new ministry. Mr. Zaïmis named Mr. Coumoundouros. Thereupon, His Majesty requested the latter to form a cabinet. Mr. Coumoundouros demanded twenty-four hours for consultation with his friends, which was granted. As the result, it is reported, on the 29th ultimo, Mr. Coumoundouros agreed to undertake the government upon the following conditions, which he submitted in writing:

1. Entire liberty of action in administration; that is to say, the power to change every public officer in Greece holding his appointment from the Crown, without the interference or remonstrance of the King.

2. Reform in the foreign policy; particularly the establishment of more friendly relations with Russia.

3. The full recognition of the fact that ministers are the only counselors of the Crown.

It is rumored that the King, after a brief delay, necessary for the examination of the propositions of Mr. Coumoundouros, declined to bind

himself to accede to all these demands without recourse. He could not, for instance, it is said, regard with indifference the removal of men of approved integrity and honor, or the appointment of manifestly improper persons to office. In such an event he must reserve to himself the right to speak.

Mr. Zaïmis endeavored to persuade Mr. Coumoundouros to accept without exacting so much. But the latter refused to act, unless the terms already referred to were accepted, without alteration, by the sovereign.

It is said by some persons that the conditions imposed by Mr. Coumoundouros originated with Mr. Lombardos, whose hostility to the King is well known.

The "Palingenessia," one of the organs of Mr. Coumoundouros, in its issue of yesterday, regrets that the King did not receive with favor the memorandum of Mr. Coumoundouros. It says, moreover, that it is now clear that the country is divided into two distinct parties—the one constitutional and parliamentary, of which Mr. Coumoundouros is the head, the other composed of the court and those attached to it.

After the rejection of the Coumoundouros programme the King invited to the palace Mr. Deligeorges, at 11 o'clock yesterday morning. Having explained the position of affairs, His Majesty requested Mr. Deligeorges to form a new ministry. The latter asked time to consult his party, and at 4 p. m. his friends assembled at his house in great numbers and gave him full liberty to follow the dictates of his individual judgment. Up to the present moment Mr. Deligeorges has not returned a definite answer to the King.

The situation is a most unfortunate one; for the country has been without a ministry for the last six days, the longest duration of a ministerial crisis since the accession of His Majesty, King George.

* * * * *

I have, &c.,

JOHN MEREDITH READ, JR.

No. 352.

Mr. Read to Mr. Fish.

No. 23.]

UNITED STATES LEGATION,
Athens, May 10, 1874. (Received June 1.)

SIR: The Department will notice in the communication inclosed in my No. 21 an allusion to the increase of the duty upon dried currants. I seized the occasion a few days since to say to the minister of foreign affairs that I was not aware that final action had been taken by Congress upon the question, and that I had written to my Government as early as the 2d of April recommending the subject to its most favorable consideration. [See my No. 15 to the Department.] A paragraph has since appeared in the Greek papers setting forth the fact, and within the last forty-eight hours several of the principal journals of Athens have mentioned in terms of warm praise the action of the American minister. Dried currants and oil are the two principal articles exported from Greece. The question of the amount of tariff duty to be imposed by the United States Government upon the former is, therefore, one of absorbing interest here.

I have, &c.,

JOHN MEREDITH READ, JR.

No. 353.

Mr. Read to Mr. Fish.

No. 24.]

UNITED STATES LEGATION,
Athens, May 10, 1874. (Received June 2.)

SIR: I have the honor to acknowledge the reception of dispatches, with inclosures from No. 1 to No. 8 inclusive, also circulars Nos. 47 and 53.

The diplomatic corps attended the imposing religious ceremonies at the cathedral on St. George's day—the 5th instant. The King appeared in full uniform, his handsome face wearing a sad expression. The queen, always beautiful, stood by His Majesty's side, accompanied by three of the royal children—aged, respectively, six, five and four years—who, in spite of their extreme youth, behaved with the utmost propriety.

The various ecclesiastical and court dignitaries, the high officers of the state and of the army, together with the representatives of foreign powers and the cabinet ministers, were grouped near the throne. Prominent among the latter was the venerable and distinguished prime minister, Mr. Bulgaris. He was clad in long flowing robes, trimmed with costly furs, and glittering with orders. His dark eye, his clearly cut nervous features, his long white hair and moustache, his fine, intellectual brow, and the quiet repose of his manner, lent an interest and a dignity to his whole appearance which drew many eyes to the spot where he stood.

At the close of the *Te Deum* the King, amid hearty cheers, returned to the palace, where he received the foreign ministers.

I have, &c.,

JOHN MEREDITH READ, JR.

No. 354.

Mr. Read to Mr. Fish.

No. 25.]

UNITED STATES LEGATION,
Athens, May 12, 1874. (Received June 2.)

SIR: Referring to my No. 20, of the 3d instant, I have the honor to state that Mr. Deligeorges was unable to form a ministry. On the 4th instant Mr. Bulgaris was requested by the King to continue to act until the question was solved. On the 6th instant His Majesty desired Mr. Bulgaris and the other members of the cabinet to remain in office, and the sovereign promised to support them by granting a dissolution of the chamber.

In the sitting of the 8th instant the government asked a credit for the expenses of four months; but some excitement seemed to exist in the chamber, and various deputies began to speak upon other topics, especially concerning the cause of the long ministerial crisis. The debate was cut short by the decree of dissolution, which was read in the tribune by Mr. Bulgaris.

The elections will commence on the 5th of July. Parliament will meet by decree on the 6th of August. But as that is the period of the harvest, it is not probable that a quorum will be present. It is the general opinion that the chamber will not commence its routine business before the middle of October.

The several members of the cabinet retain their portfolios, except that it is said that Colonel Grivas will succeed Colonel Tringhetta as minister of war, and the latter will become minister of marine.

I have, &c.,

JOHN MEREDITH READ, JR.

HAWAIIAN ISLANDS.

No. 355.

Mr. Peirce to Mr. Fish.

No. 278.]

LEGATION OF THE UNITED STATES,
Honolulu, August 8, 1874. (Received September 9.)

SIR: The Legislative Assembly was to-day prorogued by the King in person, with much ceremony and parade.

Rumors were rife that the disaffected Hawaiians would attempt to create another riot on the occasion; but everything went off peacefully, owing probably to the vigorous preparations made by the government to suppress lawlessness, had any been shown by the populace.

Three seditious persons were arrested last night by the police, which damped the ardor of the others of like character.

Inclosed herewith is a printed copy of His Majesty's speech to the Assembly. I respectfully call your attention to passages therein that I have marked.

I also inclose copy of the telegraph bill, which is now a law of the kingdom.

I have, &c.,

HENRY A. PEIRCE.

[Inclosure 1 in No. 278.]

King Kalakaua's speech to the Assembly.

AUGUST 8, 1874.

NOBLES AND REPRESENTATIVES: After a protracted session, I congratulate you upon the termination of your labors. I trust and believe that the constitutional amendments which you have passed will result in good, and that the extension of the suffrage will be duly appreciated by the country.

Your appropriations for preserving the health of the people, for immigration, and for public improvements have been very liberal, and fully equal to meet the necessities to which I drew your attention upon your being called together. It will be my duty and that of my government to see that the several sums are judiciously and economically expended. For your liberality toward myself and family I thank you.

My relations with the great nations of the world continue to be of the most gratifying character, and I have received letters during the sitting of the house from the Sovereign of Great Britain, the President of the United States, the President of the French Republic, the Emperor of Germany, the Emperor of Russia, the King of the Netherlands, the King of Denmark, the King of Sweden and Norway, the King of Italy, and the King of Belgium, recognizing my election to the throne, and assuring me of their friendship and good-will.

A number of new laws and amendments to laws have been carefully considered by you, and those enacted, I trust, will promote the welfare of our beloved country.

The acts which you have passed to aid the introduction of electric telegraphs and for the encouragement of steam-navigation with foreign countries show that my people are prepared to take advantage of all the improved methods of communication with neighboring countries.

The act to facilitate the negotiation of treaties of reciprocity proves that you fully appreciate the advantages of such a treaty, more particularly with our near neighbor the United States, and no efforts on my part, or on that of my government, shall be wanting to bring about so desirable a result.

The law which you have passed to authorize a national loan, and to define to what uses such loan shall be applied, is in accordance with the views which I expressed to you in my message of the 22d of June, and I shall carefully watch its working by the board which you empowered me to constitute, in the hope that it may fully realize the benefits anticipated from it in the increase of the population and products, and therefore in the prosperity of my kingdom.

NOBLES AND REPRESENTATIVES: On returning to your homes and to your constitu-

ents, you will still have the opportunity to continue the good work of the session, in instructing the people in all that tends to preserve their health and comfort, and to increase their means and their knowledge; and I trust that you will apprise them of my constant solicitude for their welfare, and assure them that each man who takes good care of himself and family, with due regard to the rights of his neighbor, is adding to the strength of my kingdom and assisting in the perpetuation of our race.

I now declare this Legislative Assembly of the kingdom prorogued.

[Inclosure 2 in No. 278.]

THE TELEGRAPH BILL.

The following is the bill for the encouragement of electric telegraphy, in the amended shape in which it passed the legislature, and was approved by His Majesty, August 1, 1874:

AN ACT for the encouragement and aid of any company now incorporated, or that may be hereafter incorporated, for the transmission of intelligence by electricity.

Be it enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the kingdom assembled:

SECTION 1. The ministry of the interior is hereby authorized and empowered to permit and allow any company now incorporated in any foreign country, or that may be hereafter incorporated in this kingdom or any foreign country, for the transmission of intelligence by electricity, to construct lines of telegraph upon and along the highways and public roads and across the lands and waters of this kingdom, by the appropriation of any trees growing by nature, or by the erection of the necessary fixtures, including posts, piers, abutments, or bridges for sustaining the cords or wires of said lines, provided the same shall not be so constructed as to incommode the public use of the said road or highway, or injuriously interrupt the navigation of said waters.

SECTION 2. The minister of the interior is hereby authorized to take up and set apart for the use of such telegraph company or companies, sufficient land and premises for telegraph stations and other needful uses in operating said telegraph line or lines, and to grant every facility for the landing of subaqueous cables, telegraph cord or wires, instruments, apparatus, and all and every article, goods, wares, and merchandise appertaining to the landing of such telegraphic line or lines, and the transmission of intelligence by electricity, and such articles and merchandise shall be exempt from duties, and the vessel or vessels chartered, or otherwise specially engaged in the laying or maintenance of a telegraph line or lines, shall be exempt from all port charges except pilotage.

SECTION 3. If any person over whose lands said line or lines shall pass, upon which posts, piers, or abutments shall be placed, or standing trees appropriated, or such person's lands shall be taken for public use by the minister of the interior for necessary stations and other needful uses in operating said telegraphic lines, shall consider himself aggrieved or damaged thereby, upon sworn application to the minister of the interior, the said minister shall appoint three disinterested persons, who shall be sworn before entering upon the duties of their office, and any one of whom shall have power to administer oaths, to act as commissioners to ascertain and determine upon the compensation to be made to the owner or owners, person or persons interested, for the taking or injuriously affecting such real property as may be required for such telegraph line or lines.

SECTION 4. The said commissioners, or a majority of them, shall determine upon the compensation proper to be made to each of the parties claimant and interested, and upon filing of the certificate of their finding and appraisement with the minister of the interior, the said minister is hereby authorized to pay to such owner or owners or persons interested the sum of money to which he may become entitled by reason of such appraisement; such sum of money to be drawn upon any funds in the treasury not otherwise appropriated.

SECTION 5. The minister of the interior, on receiving the certificate of appraisement, may pay to the commissioners such reasonable compensation as he may determine upon, and shall have the power to fill any vacancy in their number from death or otherwise.

SECTION 6. Any person who shall unlawfully and intentionally injure, molest, or destroy any of the said lines, posts, piers, or abutments, or the material or property belonging thereto, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not exceeding five hundred dollars, or imprisonment at hard labor not exceeding one year, or both, at the discretion of the court before which the conviction shall be had.

SECTION 7. This act shall take effect and become a law from and after the date of its approval.

H A Y T I .

No. 356.

Mr. Fish to Mr. Bassett.

No. 155.]

DEPARTMENT OF STATE,
Washington, June 25, 1873.

SIR: I transmit a copy of a letter of yesterday, addressed to this Department by Messrs. A. S. Lazarus & Co., of New York. It complains of a recent act of the Legislature of Hayti prohibiting the exportation of specie, which they say will operate to the disadvantage of those who had imported specie there for purposes of trade, as it deprives them of their option of again exporting it if such should be preferred.

It is usual for acts of the kind to be prospective in their operation, so that merchants may have due warning. If the Haytian Legislature should in this instance have disregarded the practice, parties who may thereby have been injured have an equitable claim to relief. You will so inform that government, and report to the Department upon the subject.

I am, &c.,

HAMILTON FISH.

[Inclosure.]

*Messrs A. S. Lazarus & Co. to Mr. Fish.*NEW YORK, *June 24, 1873.*

SIR: A correspondent of ours in Port au Prince desires us to call your attention to the fact that the Haytian government has recently passed a law which prohibits the export from thence of any specie, and to inquire of you if such a law will be allowed to be enforced as against citizens of the United States who have imported American gold and silver coins into that country for the purposes of trade, and are thus debarred from re-exporting same.

In calling your attention to these facts we desire to exhibit to you in what an unfair manner this new law works, and to what loss and inconvenience it places many of our citizens doing business there.

During the era of paper money it was the custom of foreign merchants doing extensive business in Port au Prince to sell to persons who required to remit money out of the country bills of exchange on Europe and America, for which during the "saison mort" they took payment in paper money, and as at that season of the year this redundant currency could be bought from 20 to 50 per cent. less than during crop-time, these houses made a large profit on such transaction by investing this paper in produce after exchange had enhanced its value to a corresponding extent. The abolition of paper money having deprived these quasi bankers of this source of profit, they have now raised the price of their exchange to 8 and 10 per cent. above par, so that unless a merchant desiring to remit money to the United States or Europe consents to pay their extortionate demands, he has no means of paying for the goods he imports except by purchases of produce which leave a loss, or by exporting American coin. It necessarily follows if this law is enforced that the merchant has no possible means of meeting his engagements abroad except at a ruinous sacrifice. Requesting the favor of a reply,

We are, sir, your obedient servants,

A. S. LAZARUS & Co.,
Box 3934, P. O.Hon. HAMILTON FISH,
Secretary of State.

No. 357.

Mr. Bassett to Mr. Fish.

[Extract.]

No. 240.]

LEGATION OF THE UNITED STATES,
Port au Prince, Sept. 6, 1873. (Received Sept. 13.)

SIR: Referring to my dispatch numbered 238, and dated August 19, ultimo, I have the honor to represent that the National Assembly, (the two houses of the Corps Législatif in joint session,) according to the custom of this country adopted, in a secret session held on the 25th ultimo, a formal response to the President's message, which appeared in the official organ *Le Moniteur* of the 30th ultimo.

This address to the President is not long, but it has on account of some of its features failed to meet with general satisfaction. In one sense it seems to have been regarded as a mingling of the customary flattery to the chief of state with an unusual freedom of counsel to him. At all events, when it was brought before the National Assembly in secret session, it is understood that it provoked a long, spirited, and somewhat acrimonious debate.

* * * * *

It is noticeable that the only response made to the long chapter on foreign affairs in the President's message is found in these words: "The difficulties attaching to the reclamations made by the agents of foreign powers in behalf of their countrymen will be maturely examined by the chambers."

The constitution of 1867, in its one hundred and nineteenth article, provides that no official act of the President, except one appointing or revoking his ministers of state, can have effect unless it be countersigned by one or more of those ministers. It was well remarked that the President's message was signed by the President only. In their address to the President the National Assembly make mention of the fact in rather delicate language. And then, declining to enter upon a revision of the constitution conditionally suggested by the President, they enter into several long passages covering nearly a column of *Le Moniteur*, the object of which appears to be, after flattering the President and his minister of interior and foreign affairs, to come to a declaration of non-confidence in the ministers of war and marine and of justice. This is about the only feature in the address of the National Assembly which has challenged general attention, and the prevailing opinion seems to be that it may lead to serious results. I have heard nearly every intelligent foreigner and many Haytians in Port au Prince express themselves about it, and I conclude that the almost universal opinion outside of the chambers is that, under the existing condition of affairs now, when the country finds itself on the eve of a change in the presidency, it was an unwise step.

* * * * *

Moreover, *Le Moniteur* has an article in its official columns, immediately following the address of the National Assembly, in which it is stated that the President, at the cabinet meeting of August 26th ultimo, used these words: "I declare that I have no reproach to make to any one of my ministers, who continue to merit all my confidence. I owe to them this testimony, that they have never found themselves in opposition to my views, and that on every occasion they have always conducted themselves in a manner to merit my entire approbation." On the other hand,

the chambers refuse to have any communication whatever with the two ministers against whom the vote of non-confidence has been taken.

* * * * *

Up to the present moment each party maintains an attitude of firmness toward the other, and I repeat, therefore, that the vote of non-confidence taken by the National Assembly on the 25th of August ultimo, against the ministers of war and marine and the minister of justice, may lead to serious results. It has certainly already added much to the general feeling of insecurity now prevailing almost everywhere in Hayti.

There is, however, in the address of the National Assembly a passage which may be considered not only commendable, but also somewhat important for this country. I refer to the paragraph which practically censures the terrible action of the authorities of Gonaives, following the outbreak there in March last; also the arbitrary interference of that executive in the elections here in January of this year, and the proclaiming of a state of siege (martial law) for Port au Prince at the same time. This paragraph has all the more weight and importance because the President undertook a defense of these proceedings, and in fact approved of them in his message.

The passage referred to is this :

Since the last session factious agitations have been manifested in various parts of the country by the plotting of criminal conspiracies, of which the last and gravest was that of Gonaives. The failure of these attempts, their prompt repression by the spontaneous concourse of the citizens, prove that everywhere, as in the arrondissements of Jacmel and Leogane, which you have recently visited, the aspirations of the people are for peace.

This is an additional reason, President, why repression for these kinds of attempts should rest within the limits traced by the law and by sentiments of humanity. Beyond the accidents of battle, no one should be executed except in virtue of a legal condemnation. By this sign the justice of a Christian and civilized people is recognized. It would appear, according to public rumor, that things at Gonaives could not have thus transpired. In this manner of proceeding how can we have the guarantee that sometimes the innocent will not suffer with the guilty? It is not under a chief of your character, President, that human life can lose the guarantees which protect it among all Christian people. To finish with this delicate subject, the National Assembly expresses again the wish that the exceptional measure of proclaiming martial law may be in future reserved for extraordinary cases of great public danger.

I inclose two copies of *Le Moniteur*, containing the address of the National Assembly.

I am, &c.,

EBENEZER D. BASSETT.

No. 358.

Mr. Bassett to Mr. Fish.

No. 241.]

LEGATION OF THE UNITED STATES,
Port au Prince, September 15, 1873. (Received Oct. 8.)

SIR: Asking reference to my No. 231, of July 17, 1873, I have the honor to state that I have been favored with the reading of a dispatch addressed by Earl Granville, under date August 1, ultimo, to Her Britannic Majesty's minister resident here and chargé d'affaires to St. Domingo, in which his lordship instructs my colleague to inform the government of St. Domingo that Her Majesty's government have determined, with the view of avoiding further difficulties in the future, to abandon the practice which has heretofore existed of receiving politica

refugees in Her Majesty's consulates and vice consulates throughout that republic. His lordship further commands my colleague to give knowledge of this determination of Her Majesty's government to all Her Majesty's consular offices in the republic of St. Domingo.

The prediction made on this subject in my No. 196, of the 19th of March last, and again in my No. 231, of July 17th, has thus been fully verified.

I am, &c.,

EBENEZER D. BASSETT.

No. 359.

Mr. Bassett to Mr. Fish.

No. 242.]

LEGATION OF THE UNITED STATES,
Port au Prince, September 15, 1873. (Received Oct. 8.)

SIR: I have gained knowledge of an instruction from Earl Granville to Her Britannic Majesty's diplomatic representative to Hayti and St. Domingo, which charges my colleague to inform the government of St. Domingo that, according to the suggestion and request made by the chargé d'affaires of that republic in London, Her Majesty's government, while insisting that the government of St. Domingo must, on account of the principles of public law involved in the case, be considered responsible for all charges growing out of the detention of the Dominican insurgent steamer *Telégrafo* at Tortola in 1867, are nevertheless willing and do consent to refer certain points relative to those charges to an arbitrator to be named by Her Majesty's government.

This fact appears to be worthy of mention as another indication of the increasing and commendable disposition "to settle the disputes of nations" by peaceful arbitration rather than "by the bayonet and the broadside," and as one evidence of the willingness of Great Britain in its dealings with a weaker nation to adhere to the great principles out of which grew the treaty of Washington.

I am, &c.,

EBENEZER D. BASSETT.

No. 360.

Mr. Bassett to Mr. Fish.

No. 243.]

LEGATION OF THE UNITED STATES,
Port au Prince, September 15, 1873. (Received Oct. 8.)

SIR: As an indication of the feeling engendered toward foreigners by certain long existing practices here, I send herewith inclosed a rather sarcastically worded circular, addressed by the minister of interior, who is also minister of foreign affairs, to the common councils of the republic, charging them to prepare and send to this department a list of all foreigners domiciled in their respective localities, with a view of forestalling in the future the "political apostacy" of a class of persons who, born on Haytian soil, avail themselves of the benefits of Haytian

citizenship as long as it may serve their convenience, and then manage to get recognition from foreign powers for the purpose of placing themselves in some respects above the municipal law, and sometimes apparently of ultimately preferring reclamations against the government.

The circular might have been expressed in more delicate language, it is true. But it is also true that there are a few such persons here as it names, and that the practice of which it complains has come to be almost a noticeable fact. In its origin, the practice is, I think, in a manner chargeable to the undue assumptions of authority, if not now and then to the mere dispositions of the representatives of European powers that hold possessions in these waters, at a period when those representatives are said to have assumed at pleasure toward this government an almost dictatorial attitude, for which the unsettled condition of this country, from time to time, afforded ample opportunity. I scarcely think, however, that the practice is on the increase. But it has become quite too common for persons of the class referred to, and another class akin to them, to prefer claims upon the government of Hayti. One result of this line of conduct has been very naturally to increase the lurking feeling against foreigners which more or less exists in all countries like Hayti, to the prejudice and injury of that portion of foreign residents who are worthy members of the community.

In this connection it is due to our legation to observe that I have uniformly and carefully avoided giving cause of offense to the sensibilities of this government on the subject. Whenever in any application made to me for redress of injuries there has seemed to be just grounds of doubt of our full right to intervene, I have, without exception, placed at the service of the complaining party my personal good offices, which thus far have generally proved availing, or else I have sought to place the case in such a position as to afford opportunity to this government to express itself upon the nationality of the complainant, without agreeing, however, to be bound by its view upon the point.

I heartily concur in the view which has been more than once expressed by the Department that *bona-fide* American citizens residing abroad are, in justifiable cases, entitled to an appeal to our government for the redress of injuries inflicted upon them by the authorities of foreign governments. At the same time I think that to encourage the pretensions of the classes of persons mentioned in Minister Lamothe's circular and in this dispatch "would be to tolerate a fraud upon both the governments, enabling a man to enjoy the advantages of two nationalities and to escape the duties and burdens of both."

I am, &c.,

EBENEZER D. BASSETT.

[Inclosure.—Translation.]

PORT AU PRINCE, August 21, 1873,
(Seventieth year of the independence.)

SECTION OF GENERAL CORRESPONDENCE—No. 1160.

[Circular.]

The Secretary of State of the Interior and of Agriculture to the Common Councils of the Republic:

GENTLEMEN COUNCILORS: It has become indispensable that, from the present, you should cause to be sent to the department of the interior a list of the names of all the foreigners who reside in your respective localities. You will therefore come to an un-

derstanding with the other agents of the public administration to have a tabular statement to this effect made out as promptly as possible, for the want of such a document has already been the cause of very heavy international reclamations against the government, which it is expedient to prevent from this time forward.

Certain individuals, after having been born among us, lived in our midst, enjoyed all the privileges attached to the quality of a Haytian, take a fancy, one fine day, that they do not wish longer to be our countrymen. That is of little consequence to us as far as they are concerned—for dignity requires that we should have for brothers only our brothers—but the object to which I draw your scrupulous attention is the fraud of which we are every day the victims.

The administration has discovered that licenses (patentes) have been delivered to individuals as being foreigners but who are unquestionably Haytians, and that this sort of renegades, without any title, boast of this license as proof that they have always lived among us as foreigners. If they were only satisfied with the change of denomination, without causing us injury, I would say again it is of little consequence to us; but it has occurred that by means of this fraud, besides the menace of their pretended all-powerfulness, they seek to fatten on the public treasury! the real object of their political apostasy. Consequently you will not, in future, deliver any license under the denomination of foreigner without having first ascertained the fact from documentary proof that the person is a foreigner.

I depend on your patriotism to follow strictly this measure, and salute you with consideration.

JH. LAMOTHE.

No. 361.

Mr. Bassett to Mr. Fish.

No. 245.]

LEGATION OF THE UNITED STATES,

Port au Prince, September 15, 1873. (Received Oct. 8.)

SIR: I have just learned through our consul at Cape Haytien that the Dominican insurgent leader Luperon, of whom mention is made in my No. 227, of the 27th of June last, had rendered himself so obnoxious to his companions and followers, that, after having made several attempts upon his life, they succeeded in banishing him from their ranks as an obstacle to their progress. He is now said to be quietly residing on a plantation about ten miles from Cape Haytien. I have always understood that Luperon was exceedingly unpopular in all parts of his country in which he was well known, and, in fact, that his cruel and overbearing character had caused him to be generally detested among his countrymen.

It is reported that, since the enforced retirement of Luperon from the insurgent bands, they have met with some small successes on the frontiers near Monte Christo. But I scarcely think that these reported successes, if indeed there have been any successes at all, have thus far been, or are likely soon to be, of any special significance or importance.

The Haytian war steamer *L'Union*, formerly called the *Salnave*, a few days ago left Cape Haytien, where she had been stationed for some time past, ostensibly to go to Fort Liberté, but there are rumors afloat to the effect that her mission is to keep an eye upon the Dominican man-of-war *Capotille*, and to lend aid, if opportunity should offer, to the Dominican insurgents said to be operating, I trust not very dangerously or sanguinarily, on land near the northern coast.

It is possible that there may be a grain of truth in a part of this rumor, but it strikes me, however, that the position of affairs in Hayti at present is such that this government will not feel inclined to intermeddle seriously in the troubles of its neighbors for at least some time to come.

I am, &c.,

EBENEZER D. BASSETT.

No. 362.

Mr. Bassett to Mr. Fish.

[Extract.]

No. 247.]

LEGATION OF THE UNITED STATES,

Port au Prince, September 15, 1873. (Received Oct. 8.)

SIR: In my number 237, of the 11th ultimo, I had the honor to indicate the impression that the supposed intrigues and known proceedings of the partisans of a prominent candidate for the presidency, which were believed to have impeded, retarded, and rendered extremely difficult the opening of the fourteenth legislature of Hayti, would hardly cease on account of the defeat that was given to those partisans by the mere organization of the Corps Législatif in extra session on the 30th of July. It would seem now as if that impression had been well taken; for the party alluded to appear, up to this date, to have in no way abandoned their aspirations, relaxed their activity, or forgotten their shrewdness. At all events, the fourteenth legislature, which was opened with so much pomp and parade on the 30th of July last, was abruptly brought to a close by a proclamation from President Saget on the 30th instant.

It is quite extensively believed here that this almost daring step on the part of the executive is attributable in some degree to the incessant plottings and intrigues of the partisans of General Domingue. The very means which the leaders of the Corps Législatif employed to force from the cabinet the minister of war and the minister of justice, who are understood to be avowed and active adherents of that aspirant for the presidency, became, in the hands of his crafty followers, the weapons by which they have once more gained a victory over that body.

In my No. 240 reference is made to the vote of non-confidence taken by the National Assembly (the two houses of the Corps Législatif in joint session) against the two ministers just named, and to the opinion that that vote under the existing circumstances was indiscreet and inconsiderate. Many believe that the vote itself was encouraged, if not brought about, by the wiles of the Dominguists. Be that as it may, the two ministers who were the object of the vote did not retire, as it was intimated in my No. 240 that they would not, and the President showed no disposition to yield to the vote by making a change in his cabinet, as he had done on other occasions.

When, therefore, on the 12th instant, the minister of the interior and foreign affairs and the minister of finance appeared before the Corps Législatif with the budgets of their own and their two colleagues' departments, the Chamber of Deputies refused at first to accept the latter two. But the minister of interior said that he was instructed by the executive to hand over to the legislature the four budgets, and that he could not, therefore, remit any unless he remitted all of them. The chamber thereupon decided to receive all four budgets for the moment, and to return the two objectionable ones with a message to the executive.

This was done on the same day, the message being very respectful in tone and to the effect that, as the Chamber of Deputies had no right to revise or repeal a vote of the National Assembly, it could not receive any communication signed by the two ministers against whom the vote of non-confidence had been taken by the National Assembly. Late in the afternoon of the following day, the 13th instant, the executive caused to be published, with considerable pomp and parade in the streets of the capital, a proclamation which practically dissolved the Chamber of

Deputies, and thus ended the sittings of the Corps Législatif for 1873. I send herewith inclosed copies of this remarkable paper, accompanied with a translation. In it the President, making prominent the executive claim to patriotism and forbearance, states that after great efforts and patience on his part he at last succeeded in rescuing the chamber from the unfortunate dissidence into which it had been plunged in April last by the inexperienced members, and in securing an organization of the legislature in extra session, and that in his hope then that it would not again voluntarily fall into the division which had in April rendered it incapable of entering upon its duties he had been deceived. To his first communications he says the Chamber of Deputies had responded by an attack upon the executive. He affirms that he cannot, therefore, further count upon that body for its concurrence in measures for the public welfare, and for this reason declares that the motives which prompted his decree of the 9th of May last, convoking the legislature in extra session, have ceased to exist. The proclamation is couched in unusually smooth language, but it carries with it some features which have been construed as adding to the severity of its aim and purpose. The plural form with which its fourth paragraph opens has, in that peculiar connection in the French language, almost the force of a special pleading.

The fact that it is first countersigned by the minister of war, and next by the minister of justice, the two against whom the vote of non-confidence had been given, has been regarded as a menace of itself. Some surprise was created because the minister of interior, who was flattered by the National Assembly in its response to the President's message, had countersigned the proclamation. It is true, however, that he became somewhat excited and annoyed when before the chamber on the same 12th instant, because that body would not accede to a proposition which he submitted to it relative to the free exportation and importation of sugar. He discussed that proposition before the deputies with unmistakable warmth for hours, and when he was at last defeated he made no attempt to conceal his deep displeasure at the conclusion. I do not know, however, that this had any connection with his signing of the proclamation, though there are those who claim to see a link between the two facts.

* * * * *

Again, the proclamation from its simple wording might of itself seem quite harmless. It does not declare that the Corps Législatif must cease its sittings, and by a distinctive feature of the constitution of 1867 the executive has no authority to dissolve the legislature. But it was well understood that the firm intent of the proclamation was to close the legislative body, and that the executive was fully prepared to meet any consequences that might for the present come of the step it had taken.

Indeed it is said on all hands, in such a way that it may be taken as a fact, that the executive has freely stated its purpose to dispel by force any further attempt at legislative sittings this year; and besides, troops in abundance are here or within ready call, all seeming grimly prepared for active service. Before these stern realities the more sober and solid legislators have philosophically recoiled, while the ardor of some of the more enthusiastic ones who have all along declared that they would stand by their posts in the chamber to the last extremity, has cooled down considerably.

It appears to be the prevailing opinion on all hands now, that some sort of civil commotion must be the consequence of these proceedings.

The Corps Législatif was dissolved in a less studied and less positive way under Salnave in 1867, and the result of that proceeding was the inauguration of a civil strife which ended in his downfall and death by violence. The senators and deputies are now about to retire each to his own commune, and thus the opposition will have the means of testing its strength with the people.

The executive and the Domingue partisans will be represented in every commune also, and probably not idle. Affairs are already thought to be somewhat threatening, and it appears to be felt that they may be brought to a crisis within the very near future. The government is importing arms and munitions of war, and is even said to be in negotiation for the purchase of two new war-vessels in Europe. It is said also to have its emissaries everywhere in secret activity. The opposition is necessarily less demonstrative, but is scarcely less concerned or less active; it is known to be feeling its strength. The old Salnave party still stands coldly aloof, meeting as best it can, without compromising itself too much, the overtures constantly but privately made to its leaders by the embittered factions which have sprung up within the ranks of its old enemy.

On the whole, however, I am inclined to the opinion that there may be no positive resort to arms before next spring, when the time approaches for the assembling of the members of the legislature. Possibly the war-cloud now looming up in the Haytian sky may even be averted altogether. For it must be remembered that it is not only a species of terrorism, but the arts of seduction as well, that are employed by those working in the interest of Domingue. Jugurtha once said "*Omnia Romæ venalia.*" And here it may not be altogether astounding if we see a fuming member of the opposition of to-day turn up to-morrow a flaming Domingueist; and then, besides, at the opening of the Salnave hostilities in 1868, the country had enjoyed many years of comparative peace and prosperity. It was in a fair position to endure the shocks and the drains of a state of war, and its credit abroad was unimpaired. But now the condition of the country is changed in both these respects, and the paper money, which has been such a ready support in former revolutions, no longer exists. Facts like these may well cause the thoughtful men of the opposition who may feel that they have reached the end of forbearance, to hesitate before they venture to draw the sword, and thus take at last the step which would plunge the country again into bloody civil strife.

I am, &c.,

EBENEZER D. BASSETT.

[Inclosure.—Translation.]

LIBERTY, EQUALITY, FRATERNITY.—REPUBLIC OF HAYTI.

Proclamation.

Nissage Saget, president of Hayti:

HAYTIANS: When in April last the Corps Législatif found itself numerically in the impossibility of organizing in consequence of a regrettable dissidence in its midst, the executive, animated by the spirit of order, of moderation, and of conciliation, from which it has never departed, took the resolution to convoke this grand body in extra session, with the view of re-establishing in their full play the institutions of the country which had been placed in peril by inexperienced deputies, (*mandataires inexpérimentés.*)

At last, after great efforts and much patience, we were enabled to secure a majority of this body.

From that time we had the right to hope that it would not again fall voluntarily into the division which had paralyzed its march. Our hope was deceived.

To the first communications of the executive the chamber of communes replied by an attack.

Not being able to count more upon its concurrence for the realization of the measures which the public well-being demands, I solemnly declare that the motives of my decree of the 9th of May, convoking the Corps Législatif in extra session, have ceased to exist.

Done at the national palace September 13, 1873, the 70th year of independence.

NISSAGE SAGET.

By the president :

S. LIANTAND,

Secretary of War and Marine.

O. RAMEAU,

Secretary of Justice, Public Instruction.

JH. LAMOTHE,

Secretary of Interior, Agriculture, and Foreign Affairs.

C. HAENTJENS,

Secretary of Finance and Commerce.

No. 363.

Mr. Bassett to Mr. Fish.

No. 254.]

LEGATION OF THE UNITED STATES,

Port au Prince, October 16, 1873. (Received Nov. 1.)

SIR : I have the honor to represent that, as a result of several agreeable conferences had with the minister of foreign affairs and other members of the Haytian cabinet, relative to that portion of the claims of our citizens which arose from transactions with this government under the administration of President Salnave, I have received assurances that the executive, while feeling unauthorized and indisposed to announce itself willing directly to contravene the provisions of the law on this subject, adopted by the Corps Legislatif August 24, 1872, is, nevertheless, well inclined, in the absence of the legislative session this year, to assume to the extent of its ready ability and in a quiet way a friendly attitude, especially toward such of those claims as were created under an element of force, and are beyond doubt well founded.

At these conferences with members of the Haytian cabinet I have uniformly confined my remarks to equity and good feeling. I have brought forward the desirability of conserving the credit and the good name of the government, and of now laying aside the prejudice and passion which confessedly, and perhaps somewhat naturally, existed at first against the so-called Salnave debts. I have also sought to turn to fair account the thought that it may be well worth while for this administration to consider how it can now, before its close, which is near at hand, give a testimony of good disposition and good faith toward claims of which the government of the United States has already taken cognizance.

Recently, when the question was brought up in cabinet meeting, the President is said to have expressed himself emphatically in favor of some present action on the part of the executive authority touching the claims. A list of them was subsequently produced and looked over, and it was decided quietly to commence the payment of those which arose under the government monopoly established by Salnave in 1868, and of which the aggregate amount is not far from one hundred thousand dol-

lars, held mostly by our citizens; Messieurs Oliver Cutts & Company having more than five-sixths of them.

This method of entering upon the settlement of the extract-claims of our citizens upon the Haytian government is not, of course, such as could be desired; it is, indeed, scarcely satisfactory, in the absence of some equitable arrangement for the definitive regulation of them all upon a common basis. But it may possibly be taken as a slight indication of better works in the near future. History, it has been thought by respectable authority, points to the fact that when a government once takes a step, even though feebly, toward the right direction, it is generally carried further in that direction than it originally intended. Such, I trust, may in the present instance be the result of the beginning made, though I am not quite perfectly sanguine of it.

I am, &c.,

EBENEZER D. BASSETT.

No. 364.

Mr. Bassett to Mr. Fish.

[Extract.]

No. 255.]

LEGATION OF THE UNITED STATES,
Port au Prince, October 16, 1873. (Received Nov. 1.)

SIR: From tidings which have reached me of the condition of affairs in St. Domingo, but which have come in such a shape of exaggeration, confusion, and contradiction, that hardly any single item of importance can be reliably put forward in a dispatch, I am inclined to believe that the revolutionary factions in that country recently met with some unexpected successes, which have, however, fortunately been checked by the forces of President Baez. I do not consider it probable that the insurgents are now, or likely soon to be, in a position to jeopardize the solidity of the existing government there. But it appears to me possible that the new movements and activity adopted by them may impede, or even indefinitely postpone, the confidential negotiations which were in progress, (see my No. 235, of August 11, 1873,) looking to the peaceful retirement of some of them to the peninsula of Samana.

The sympathies of the Haytian government undoubtedly rest, as from the first, with the insurgents.

* * * * *

I shall observe with careful interest the dispositions which the late occurrences in that quarter may evoke from those in authority under this government, and of course report to the Department any fact that may be thought worthy of attention.

I am, &c.,

EBENEZER D. BASSETT.

No. 365.

Mr. Fish to Mr. Bassett.

No. 170.]

DEPARTMENT OF STATE,
Washington, November 1, 1873.

SIR: Your dispatch No. 254, of the 15th ultimo, has been received. It is gratifying to learn from it that the present administration in Hayti

shows a disposition to provide for claims founded on contract which originated during the administration of Salnave. If such a course should be adopted, it would materially redound to the honor and strengthen the credit of the Haytian government under all future administrations.

I am, &c.,

HAMILTON FISH.

No. 366.

Mr. Bassett to Mr. Fish.

No. 273.]

LEGATION OF THE UNITED STATES,

Port au Prince, January 23, 1874. (Received February 9.)

SIR: I have the honor to represent that on New-Year's eve, in response to an invitation extended by the minister of foreign affairs, as well as according to an established custom, I called at the national palace in company with my colleagues, and, as the dean of the diplomatic and consular corps resident at Port-au-Prince, presented in their name the usual complimentary address to His Excellency the President of Hayti. My brief remarks were, of course, given in the French language. In English they were, word for word, as follows, to wit:

PRESIDENT: I am most happy on this occasion of the beginning of another New Year, and for the fourth time during the present administration, to present to your excellency the respectful compliments of the diplomatic and consular corps resident near this government.

In my own name, and in the name of my colleagues, I take pleasure in expressing our united satisfaction at meeting your excellency in full enjoyment of health and all the other blessings of Providence here to-day after your excellency has borne for now almost four years the cares and responsibilities incident to the direction of the affairs of an independent state in the family of nations. We congratulate your excellency, moreover, because peace and tranquillity now prevail everywhere throughout the republic.

President, it is our special wish that the favors of Almighty God may never cease to rest with your excellency, and with all those whom your excellency holds near and dear. We sincerely hope, also, that Heaven may bless the government and the people of Hayti both for the year which is about to commence, and for many years yet to come.

Long life, health, and happiness to your excellency! Peace, success, and prosperity to the republic of Hayti!

In response to my address, his excellency, with much seriousness of manner, thanked the diplomatic and consular corps for the sentiments which had been just expressed to him, and said he wished to bear testimony to all the sympathy with which the honorable members composing that body had inspired him. He declared that his best efforts should not cease to tend to the maintenance of the good relations which exist between his government and the governments of which they are the representatives in Hayti, and concluded by proposing a toast "to the members of the diplomatic corps," and "to the prosperity and well-being of the nations which they represent."

The ceremonies were conducted in the most perfect order, and with great regard to strict formality, but at the same time in a manner which gave unusual satisfaction to both myself and my colleagues.

I am, &c.,

EBENEZER D. BASSETT.

No. 367.

Mr. Bassett to Mr. Fish.

No. 274.]

LEGATION OF THE UNITED STATES,
Port au Prince, January 23, 1874. (Received Feb. 9.)

SIR: The assurance and air with which this government has from the first steadily and emphatically asserted that it has in no way interfered in the internal political affairs and domestic peace of Santo Domingo have been maintained until at last a revolutionary movement has overthrown General Baez, and once more driven him into exile. It is true that from time to time occurrences and evidences tending to a conclusion quite contrary to its assertions have been brought to its notice. But all these were unavailing; the presumption necessary to a denial of them was always at hand.

Nevertheless, certain statements came to me, during the progress of the recent revolutionary movement in Santo Domingo, which were of such a nature that I deemed it advisable to invite attention to them, and once more to remind this government of its reiterated pledge of neutrality, and of the responsibility which it might incur by a failure to adhere to that pledge.

For instance, the Haytian war-steamer *L'Union* was kept at Cape Haytien for months pretendedly, and perhaps in part really, to serve the interests of this government in that quarter, but it is thought that her mission was partly to guard and facilitate communication with the insurgents along the northern coast of Santo Domingo. Indeed Mr. ——— several times informed me of the trips of this vessel along the northern coast on supposed friendly missions to the anti-Baez insurgents. As soon as news reached the capital of the sinking of the ship *L'Union* in the harbor of Cape Haytien about the 20th of last month, this government made haste to purchase through some foreigner in a sort of underhand way, and at such an almost fabulous price as to give rise to very severe criticism even on the part of the populace, a small steamer called *L'Haytien*, belonging to the Liverpool line and carrying the English flag, with the view, it seemed to be quite generally understood, of keeping up the aid and succor which had, it was supposed, been rendered all along to the Dominican revolutionists by *L'Union*. I have even been credibly assured that the putting on board of her of arms, really intended for the Dominican revolutionists, was only stopped by a note of warning from my colleague, Her Britannic Majesty's minister resident, to the effect that while *L'Haytien* carried the English flag such a step would not be permitted. Mr. ——— has also written me that the authorities of this government at Cape Haytien openly furnished and forwarded aid to the anti-Baez revolutionists. Here at Port au Prince the agents of these revolutionists were busy with the government officials, who, in their joy at the then prospective overthrow of Baez, well-nigh forgot their cunning, and almost threw off the mask of pretended neutrality. And when on the 15th ultimo a schooner came into port flying the Dominican flag, and her mission was known, by common and universal report, to be to this government in behalf of the Dominican revolutionists, it appeared to me that it would not be improper for me once more, as above intimated, to place it within the knowledge of the Haytian minister of foreign affairs, that, while we were still bearing in mind the pledges of neutrality as to the internal political affairs and domestic peace of Santo Domingo which his government had so many times given to us, we were not incognizant of the many and increasingly-numerous acts of those in its service which were in contravention of those pledges, and

I wrote (inclosure 1) to him in that sense, taking occasion to remind him also of the responsibility which his government might, by the non-observance of strict good faith, incur, especially before those who have an interest in the well-being of the neighboring republic.

The present minister of foreign affairs enjoys the reputation of having a penchant for intermeddling in Santo Domingo affairs, and he seemed to avail himself of the opportunity afforded by my brief note to unburden himself of much that he and his government apparently have at heart on the subject.

It will be noticed that in his dispatch (inclosure 2) he still clings to the assertion that his government has faithfully kept to its pledge of neutrality, and that he speaks more frankly and with more freedom than any of his predecessors have spoken with this legation in that regard. He does not attempt to conceal the ill-feeling which his government entertained toward that of President Baez, and alludes approvingly to the then prospective success of the anti-Baez revolutionists.

I think he even foreshadows an attempt to enter into treaty relations with the revolutionists if they gain the ascendancy, when he speaks of their cause as one "which is that of the establishment of peace and of cordial relations between the two peoples." I regard the dispatch as embodying all that this government has to offer both in matter and in manner, and as its last word, regarding this subject, and I commend it to your attention as well worthy of perusal.

I am, &c.,

EBENEZER D. BASSETT.

[Inclosure 1 in No. 274.]

Mr. Bassett to General Lamothe.

LEGATION OF THE UNITED STATES,
Port au Prince, December 16, 1873.

GENERAL: A schooner called the Margarita, and flying the Dominican flag, came into this harbor yesterday from Puerto Plata, under command of a Mr. Frith. It is a matter of common speech and notoriety that she came here to bring dispatches to your government from the insurgents in the eastern part of this island, and to ask from this government aid and supplies with which to carry on hostile operations against the established and recognized authority of the neighboring republic.

We have been many times assured, by direct communication from your government, that it did not and would not in any way intermeddle in the domestic peace and internal political affairs of that republic. But I will not conceal from you the fact that well-founded statements have continually reached us of such a character as to force upon us the painful impression that the countenance, support, and aid, moral and material, of the authorities of this government, have been mainly instrumental in keeping alive the unfortunate and unhappy civil strife in Santo Domingo during the past three years and more. We would, of course, fain believe that all this has occurred without the knowledge or consent of the responsible agents of your government, but it is remarkable that aid and supplies have been continually passed by those in official position under this government to the Dominican insurgents; that, during the alleged recent movements of those insurgents, succor has been regularly sent to them from Cape Haytien and other points in this republic; that systematic communication has been maintained between them and the government of Hayti; and that now a vessel under the Dominican flag has been sent here by the insurgents to bear dispatches to the members of the Haytian government, and to solicit aid from this government for carrying on hostile insurrectionary operations in the neighboring republic. General, I wish simply to indicate to you that all these proceedings have not been and are not taking place without our observation and knowledge, and in this friendly way to remind you of the responsibility which your government has incurred, and may now incur, by the acts which those in its service have committed, and are still committing, in rendering aid to those who are in open hostility and rebellion against the constituted government of Santo Domingo, in whose domestic peace and tranquillity others than yourselves, not unmindful of what is transpiring around us, or of the welfare of their neighbors, may have an interest.

I am, general, your obedient servant,

EBENEZER D. BASSETT.

[Inclosure 2 in No. 274.—Translation.]

*General Lamothe to Mr. Bassett.*BUREAU OF FOREIGN AFFAIRS,
Port au Prince, December 27, 1873.

MR. MINISTER: I have had the honor to receive the dispatch of the 16th of this month which you addressed me, to inform me (*pour m'entretenir*) about certain facts concerning the Dominican Republic, particularly about the arrival in our port of the schooner Margarita, and to represent to me, whilst expressing your apprehensions in this circumstance, how much you find it opportune that my government should at this moment have in sight the repeated assurances which it has given you of its firm determination to abstain, as far as it is in its power, from intermeddling in the interior affairs of that republic.

I have submitted to my government the reflections which you have exposed to me, and am charged to thank you for the amiable and cordial manner in which you have made this communication.

It is very agreeable to me to be able to say that no event, fact, or incident has taken place that could be for us the motive for a modification of the line of conduct which my government at its establishment adopted, and which it has since constantly maintained.

Nobody has failed to remark that, since three years, there have been constant contests, with the alternatives of success and defeat, between the government of General Baez and divers Dominican parties, and we cannot pretend that the echo of these contests, which have occurred on a ground common to both of us, have come to us without profoundly moving us. I believe I must even declare that the sympathies of the Haytian people have never been for a government which, although established and existing in the eastern part, has always endeavored to divide two peoples, intended from their situation and the identity of their interests to live in close union and to pursue the destinies of their autonomy in friendly understanding. However that may be, my government, without regard to these sympathies, the expression of which might have opposed its views and hindered a well-considered action, has, faithful to the duties which it had imposed upon itself, neglected nothing to make its neutrality constant and complete. Vague and undefined accusations, generally produced to mislead in regard to the true current of opinion in the neighboring republic, have been pronounced against it; but they could not fail to disappear before a scrupulous and impartial examination.

No attempt, whether conceived by private persons or by associations of men, to make use of our territory or of our resources to attack the order of things existing in the east, has been organized with the permission or aid of this government, and the legal authorities of the country would have violated our formal instructions in giving thereto support within the exercise of their functions. This is clearly the duty belonging to a neutral government, and we have been most anxious to fulfill it. During three years we have been constantly on the alert, and have made great efforts to secure our people and our own responsibility from the bloody uprisings and conflicts which have taken place almost before our doors, having for their theater the boundary-line between the two republics. But I must insist on this important point, that such a state of things, so sad for us, has to-day entirely ceased to exist. Just now, in the principal towns of the Cibao, and at a long distance from our borders, a revolution has been started, having for its leaders men who were quite recently the first lieutenants of President Baez; and the immense extension which this revolution has taken since its start is a fact not to be passed by unperceived. What influence could we have pretended to exercise over men who were only yesterday still the most fully authorized representatives of the policy of the government established in the east; and can the reading of the acts they have published leave a doubt regarding our conduct and allow any supposition of our participation, even indirectly, in the resolutions which they have taken? Still it is before a situation so clear to all that the General Baez, as we have seen from the documents which the last mail from the United States has brought us, denounces the people of Hayti as fomenting the division and the ruin of the neighboring republic. Whatever may be the injury offered to our character and our dignity, we look at this accusation with calm, for it does not astonish us, coming from a government which has always made it the rule of its conduct to distort the reality of things and falsify opinion on the protest of the Dominican people themselves; and, on the other hand, our confidence in the impartiality and the justice of the government and the great people of the United States, as well as of their honorable representative among us, is without limits.

May I not, nevertheless, be permitted to say that this last accusation, produced at such a moment and under such circumstances, gives the exact measure as to the value of all those that have preceded it and the notice they deserve? As to the visit of the Margarita in our waters, it will be sufficient for me to tell you frankly what has ex-

actly taken place. That this schooner has brought us from the leaders of the revolution advice of the occurrences that have taken place in the Cibao, and of the authority which they have established by force in that department, and that we have answered them that we took account of these facts and of their important communication. The Margarita has left again immediately without having received from us or from our territory anything that could be considered as a support. We shall always act thus in all analogous circumstances. May I nevertheless revert to the sympathies of which I have just spoken to you, and ought I to keep it from you that the government and the Haytian people could not deny this much to a cause which is that of the establishment of peace and of cordial relations between the two peoples. In the interest of the security and the well-being of our people it can never be indifferent to us, as you, Mr. Minister, will understand, to be exactly informed of all that passes so near to us; but we are determined not to deviate from the line of conduct which we have traced for ourselves, not because we could believe ourselves bound to any duty toward a government which, notwithstanding our conduct since three years, has neglected all its duties toward us, but because we value the consideration of the Government and the great people of the United States, who have received our assurances, and because, on the other hand, the accomplishment of its obligations, as far as it is in its power, is too precious to my government not to endeavor to subordinate to the same the satisfaction of any personal feeling or the manifestation of the sympathies of the Haytian people.

Be kind enough to entertain, Mr. Minister, the renewed assurance of my very high consideration.

JH. LAMOTHE,
Secretary of State for Foreign Affairs.

No. 368.

Mr. Bassett to Mr. Fish.

No. 280.]

LEGATION OF THE UNITED STATES,
Port au Prince, February 9, 1874. (Received Feb. 23.)

SIR: I have gathered information that, in consequence of certain proceedings taken in September or October last by the authorities of Puerto Plata, Santo Domingo, touching a small English vessel of Turk's Island, called the *Invincible*, and commanded by a Mr. Coxe, Earl Granville has, upon a representation of the case made to him by the governor of Jamaica, instructed my colleague, the British minister, who is also Her Britannic Majesty's chargé d'affaires to Santo Domingo, to investigate the occurrences complained of, with the view, as I understand, of pressing, if the result should warrant it, a demand for indemnity upon the government of that republic.

The allegations, as they have been repeated to me, are, in brief, that, at the date indicated, the *Invincible* went to Puerto Plata for a cargo of fruits; that when she was ready for sailing several persons, some three or more, were, as passengers, rowed to her in the boat belonging to the port-officials; that shortly afterward the government authorities boarded the vessel, interdicted her from putting to sea, seized the alleged passengers, who were, I believe, citizens of Santo Domingo, arrested the master, and imprisoned him in a filthy prison for one day; and that, in consequence of the delay incurred by these proceedings, the cargo of fruits sustained serious damage.

My colleague, to whom the case has been referred, is still absent from his post of duty here on his tour of the neighboring republic, to which reference is made in my No. 278, of the 23d ultimo. But I will endeavor to learn in due time the final steps that may be resolved upon in this matter, with the view of putting all the essential facts of it in possession of the Department.

I am, &c.,

EBENEZER D. BASSETT.

No. 369.

Mr. Bassett to Mr. Fish.

No. 284.]

LEGATION OF THE UNITED STATES,
Port au Prince, February 23, 1874. (Received March 24.)

SIR: I have the honor to represent that, having been observant of the current of political events in this country since my last dispatches to you on the subject, I am now inclined to take the indications to be that General Michel Domingue, at present commander of the department of the south, will come to the presidency of Hayti on the expiration of the term of President Saget, in May; but that, nevertheless, there may, and most likely will, arise some sort of a civil commotion here between this date and the end of May or June next, because of the existence of strong ambitions, convictions, and pretensions, not in accord with those of General Domingue.

I propose in this dispatch to offer, with your permission, some of the reasons upon which these suppositions are based, and to touch upon some other points of interest regarding the political situation here. There may be said to be three different parties who have now serious pretensions to the presidency of this republic. These are, (1) the party of President Saget, (2) the party of General Domingue, and (3) the party of the Corps Législatif. It has been thought by some that the former two form in reality only one party. * * * *

I assume that there are three different parties aiming at the chief power in the state; and, strange to say, the success of any one of them may, and probably will, plunge the country into domestic strife, though if either the Saget party or the party of the Corps Législatif should coalesce with that of Domingue, and act for his elevation to the presidency—an event which at this date seems quite improbable—an appeal to force may be for the time avoided.

It would seem to us almost incredible that the President of a republic should even contemplate such a step as prolonging his term of office in defiance of the fundamental law of the land. But it must be remembered that no Haytien chief of state has ever, of his own accord, given up his power, except President Pierrot, who is said to have retired with disgust in 1846. It does not appear to run in Haytian blood voluntarily to renounce authority once obtained. So that President Saget would have the example of all his predecessors, except Pierrot, if he should attempt to hold on to power. And, besides, he would, in such a case, probably retain the co-operation of many of his military chieftains, and he could count especially, I think, upon the support of the priesthood, which is, in reality, no mean power in this, as in all other countries where the Romish church enjoys the preference of state authority.

But the attempt itself would be in direct violation of the 107th article of the constitution, which provides that no person can be re-elected President except after an interval of four years, and in contravention of pledges made by himself and by those who placed him in power at the cost of two years of a sanguinary civil contest, and the putting to death of Salnave on the ground that he had not duly observed this same constitution. If he should seriously try to continue in authority after the expiration of his term of office, he would invoke, and in my opinion would receive, upon himself and his followers, the active and probably the violent opposition of the old Salnavists, the Dominguists, and especially of the Corps Législatif and its partisans, and he might thus unwittingly make himself the first victim of the bad example

which he helped to set in the case of his predecessor. Nevertheless, reports are not wanting to show that he has had it in contemplation to continue in his office. As long ago as June last, a well-known clergyman, in the course of a visit at the palace, reminded his excellency, in a purely complimentary manner, of the salutary example which would be given to the Haytian people when they should see him voluntarily lay down his power at the end of his term, in May, 1874. Whereupon his excellency remarked, with some warmth of manner, "Yes, my friend; but don't you see, if I were to retire as you indicate, my most faithful lieutenants would at once be persecuted. I must stand by them at all hazards." He has even said that if the "ambitious young men" in the chambers should in the spring provoke discord and violence in the country, it would be his duty to "bring them to order" before retiring; "because," said he, "I am pledged to hand over the republic in peace and tranquillity when I leave my office." His minister of finance recently stated that he thought it "clear that society demanded that President Saget should continue at the head of the state." In short, reports of the President's purpose not voluntarily to retire at the end of his constitutional term, have within a few months past become so current in political circles, that intimate and influential friends of both his excellency and General Domingue have lately called upon the former, and spoken to him in a confidential but most serious manner on the subject, and yet no one of them has thus far, I believe, obtained from him either a disclaimer of any such intention on his part, or even any satisfactory answer at all, notwithstanding the fact that he was assured by them, especially by Admiral Déjoie, that if he were to attempt to continue in office, a large proportion of those who now support him would then desert him, "and," added the admiral, "among the foremost of them would be myself."

But President Saget is not altogether deficient in craftiness and an insight into the drift of affairs in his own country, and I fancy that in the end he may hesitate to allow the sword to be drawn in support of his pretensions unless he should see a reasonable prospect of success in suppressing the resistance which he would in that case be sure to provoke.

On the other hand, the chances of the success of General Domingue seem much better founded. During the contest against Salnave, Domingue was "President of the south of Hayti," as Saget was "President" of the north; and it is admitted on all hands that in the conduct of affairs there he displayed both decision and ability, although it was said that sometimes pending the state of hostilities he acted with fierceness. Both my predecessor and Rear-Admiral Hoff expressed to their respective departments their objections to some of the deeds which were at the time attributed to him. And it is due to truth to say that I was obliged myself to form a very unfavorable opinion of him. But I have found that the cruelties which Domingue is said to have committed somewhat openly in a time of civil inquietude and actual hostilities have really been sanctioned and substantially repeated, albeit often in a much less open manner, since hostilities ceased. Indeed, I feel a shudder when I think now of the sacrifices of human life and the persecutions which have in one way or another received the approval, the sanction, or the connivance of all branches of this government. Far from wishing to seem even to palliate in the least degree the fearful severities charged against Domingue, I may nevertheless state that I think his record in this regard is scarcely worse than that of the leaders who are now arrayed against him in the race for the presidency. There is a remarkable

sameness among Haytians in their conduct toward one another when once they are vested with power and opportunity.

When the National Assembly balloted for President in May, 1870, Domingue received a respectable vote, and after Saget had been declared elected, there was a wide-spread feeling that Domingue must be counted upon as Saget's successor. There is said to have been even an understanding to this effect among all the triumphant revolutionists. Since that time the partisans of Domingue have worked in his interests with unceasing activity and sleepless energy. No weapon of force or art of persuasion known to the political arena has been left unemployed by them in their vigilant efforts to make his election sure. Every commune has been carefully canvassed and watched by those in his interest, and there is now hardly room for doubt as to the real strength which he possesses. So powerful are his adherents, and so universal is the conviction that he is to come to the presidency, that if he should not be regularly elected by the National Assembly, it is generally felt and acknowledged that his partisans would attempt to place him in power by force. On the other hand, it is feared in some quarters that if he reaches the presidency in any way, the partisans of the legislative body will seek to foment against him immediately thereafter an uprising which may or may not succeed. The principal confessed objections to him, based upon his action in the south during the anti-Salnavé revolution, are that, as a man of considerable boldness and decision of character, he will be likely to resort to severe and arbitrary measures without adequate cause; that he will be under the influence of persons whose ideas and characters are not acceptable to the intelligent community or consonant with the general welfare; and that he will not rest content, as he has already announced, with the present constitution, which places restraints upon the executive and confers large powers upon the legislative body.

There is probably some force in all these objections. But it must be said of General Domingue, that during the administration of President Saget he has maintained the utmost loyalty toward the government, and I must admit that he has commended himself to favorable consideration everywhere during this period by his general good conduct and modest, sensible demeanor. Whatever may be his real views of the foreign policy which this government ought to pursue, his partisans, among whom are some of the foremost men of the republic, have taken pains confidentially to pledge his administration, if he should arrive to power, to the most amicable and satisfactory course toward foreign powers, especially toward the United States. Of course I place very little confidence in these assurances, but it is worthy of notice, and in fact a little remarkable, that he has thought it worth while to make even such advances to us, because the policy of those now in power appears to have been to base their claim to popular favor upon their ability to ignore, overreach, or be entirely "independent" of foreign influences. My conviction is that, under all the circumstances, the elevation of General Domingue to the presidency will not lessen and possibly may better our interests in Hayti. He is a man well advanced in years, and he seems desirous now of making for himself a good name among his countrymen, and of doing what he can to commend his record to the favorable judgment of the outside world.

As to the National Assembly, it is conceded that, if it meets, it will stoutly contest Domingue's election. But if it be found that a majority of that body may not favor General Domingue, it may not be permitted

to meet at all; that is, it may be handled precisely as it was handled last year.

Every true American must give preference to the representative republican form of government of which the legislative body is an essential part. But in this country the elements of a true republican government do not yet exist. Without a greater degree than now exists of patriotism, virtue, and instruction among the masses, how can Hayti expect to be a true republic? The legislature here is hardly an independent body¹; it has not in effect that share of power which belongs to such a body in a republic, and never has had. On paper its power is considerable; in fact it is limited. During this administration the legislature has won distinction by doing its utmost to avoid the payment of our claims, and has, in my opinion, lent its countenance and aid to the interference of this government in the affairs of its neighbors. It seems to have sought to assume an air of supreme independence toward the outside world generally. It has lent itself to and been used in some instances by the executive as a cloak to shield itself from duties and responsibilities toward us.

I sincerely hope for an improved condition of affairs in Hayti at some future day, but I fear that we shall not be the gainers here now if the present members of its legislature succeed in electing to the presidency any man who is to do their bidding.

I am, &c.,

EBENEZER D. BASSETT.

No. 370.

Mr. Bassett to Mr. Fish.

No. 286.]

LEGATION OF THE UNITED STATES,
Port au Prince, March 9, 1874. (Received March 31.)

SIR: The official journal of the Haytian government, *Le Moniteur*, in its issue of the 21st ultimo, contained from the minister of finance an instruction (inclosure 1) charging the controllers of public moneys, (*administrateurs*), who are subordinate to him, not to accept the new American trade-dollar in payment of duties or other taxes, thus practically prohibiting for the moment the circulation of that sterling coin here. Recently several thousand dollars of that type have been imported into this country, and the minister's instructions to his subordinates was calculated to create considerable inconvenience and confusion in our commerce, especially as there is now confessedly a scarcity of specie, which has become practically the only circulating medium in Hayti.

Immediately after the appearance of the order in *Le Moniteur*, several merchants sought information from me on the subject, and I lost no time in addressing to the minister of foreign affairs a note (inclosure 2) inviting his attention to his colleagues' notice in the official journal, explaining the nature and the value of the trade-dollar according to the terms of our "coinage act of 1873," and especially making a favorable comparison of it with other American silver coins, which, for many months before the importation of the trade-dollar, constituted almost the only types of money in use here.

The minister sent me an acknowledgment (inclosure 3) of my note on

the 28th ultimo, in which he expressed the hope that his colleague would not fail to do what was requisite under the circumstances. In *Le Moniteur* of the same date both my note to him and his response thereto were published. In the same journal of the date of day before yesterday, the 7th instant, the minister of finance inserts a second order, (inclosure 4,) addressed, like his first one on the subject, to the controllers of public moneys, (*administrateurs*,) and charging them that as the government had since the publication of his first order received positive information as to the trade-dollar, that coin is henceforth to be accepted by them and their subordinates for one dollar specie.

By the proceeding above outlined on the part of this legation, I think that the public here has become convinced of the reliable nature and full value of the trade-dollar, and that thus our commerce in Hayti has been saved from some temporary inconvenience and annoyance. It seems to me a just cause for satisfaction and gratification that our coinage is gradually gaining preference in other countries, and that after all, our national good name and honor may be carried and made familiar in our types of money to the firesides of men all over the world.

I am, &c.,

EBENEZER D. BASSETT.

[Inclosure 1 in No. 286.—Translation.]

The secretary of state for finances and commerce gives notice to the administrators of the republic that a new piece of American money, called the trade-dollar, has just been introduced into this country, where it circulates for one dollar specie.

This piece not being comprised in the schedule of moneys compared with the European dollar (*a la piastre d'Europe*) to serve for the collection of taxes to be made in the treasuries of the republic, every treasurer must refuse to accept it in the collection of duties or other taxes which he will have to make until the legal standard or the intrinsic value of this new money be definitively fixed.

[Inclosure 2 in No. 286.]

Mr. Bassett to General Lamothe.

LEGATION OF THE UNITED STATES,
Port au Prince, February 23, 1874.

GENERAL: In the official journal, *Le Moniteur*, of Saturday's date, which I have just received, I find a notice addressed by your honorable colleague of the department of finances to the administrators of the republic, advising them that "a new piece of American money called the trade-dollar has just been introduced into this country, where it circulates for one dollar specie," and that as it is "not comprised in the schedule of moneys compared with the European dollars (*a la piastre d'Europe*) to serve for the collection of taxes to be made in the treasuries of the republic, every treasurer must refuse to accept it in the collection of duties or other taxes which he will have to make until the legal standard or the intrinsic value of this new money be definitively fixed."

The circulation of American silver coins other than the trade-dollar has not only been acquiesced in but wisely encouraged by your government, and I am most happy now to be able to lay before you facts which must remove any doubt or suspicion into which your honorable colleague may have fallen as to the nature and the value of the coin of which he speaks in *Le Moniteur*.

The American trade-dollar is regularly coined at the mints of the United States according to the act of Congress approved February 12, 1873, and commonly known as the "coinage act of 1873," and is of the full value of one dollar specie. The thirteenth section of that act provides "that the standard for both gold and silver coins of the United States shall be such that of one thousand parts by weight nine hundred shall be of pure metal and one hundred of alloy." Section 15 of the same act declares that

the silver coins of the United States shall be a trade-dollar, a half-dollar or fifty-cent piece, a quarter-dollar or twenty-five-cent piece, and a dime or ten-cent piece; and the weight of the trade-dollar shall be four hundred and twenty grains troy; the weight of the half-dollar shall be twelve grams and one-half gram."

From these references to our "coinage act of 1873" it is seen that all our silver coins are of precisely the same degree of purity; that is, that they all contain exactly the same proportion (nine-tenths) of pure metal, and that, while the trade-dollar weighs four hundred and twenty (420) grains, the dollar, in two half-dollar pieces, weighs only twenty-five grams, or (the gram being taken at fifteen grains and four hundred and thirty-three one-thousandths ($15\frac{33}{1000}$) of a grain troy) three hundred and eighty-five and eighty-three one-hundredths ($385\frac{83}{100}$) grains troy; so that the trade-dollar and the half-dollar piece both being of precisely the same metal, the former weighs thirty-four and seventeen one-hundredths ($34\frac{17}{100}$) grains more than a dollar of the latter, and the trade-dollar, instead of being under the value of the accepted dollar in other silver coins, actually contains about thirty-one and three-quarters ($31\frac{3}{4}$) grains troy of pure silver more than a dollar in two fifty-cent pieces.

Trusting that these explanations will be sufficient to remove all doubts as to the genuineness and the value of our new trade-dollar,

I avail, &c.,

EBENEZER D. BASSETT.

[Inclosure 3 in No. 286.—Translation.]

General Lamothe to Mr. Bassett.

BUREAU OF FOREIGN AFFAIRS,
Port au Prince, February 28, 1874.

Mr. MINISTER: I have had the honor to receive your letter concerning the notice inserted in *Le Moniteur* by my colleague of the department of finance, respecting the American piece of one dollar called "trade-dollar," and recently imported into this country.

I have duly appreciated the considerations which you have submitted to me, as well in regard to the intrinsic and legal value of the trade-dollar as United States money as in regard to the expediency of rectifying most promptly the opinion which has here become current on this point.

I take very good note of this communication, which I have already submitted to my colleague of finance, and I hope that he will not fail to do what is requisite in this circumstance.

I seize this occasion to renew, &c.

JH. LAMOTHE,
Secretary of State for Foreign Affairs, &c.

[Inclosure 4 in 286.—Translation.]

[Circular No. 238.]

The Secretary of Finance and Commerce to the Administrators of the Finances of the Republic.

PORT AU PRINCE, March 6, 1874.

MESSIEURS: By my notice inserted in the official *Moniteur* of the 21st February last, I prohibited you from receiving in payment of customs-dues and other taxes, until its intrinsic value was known, the new American dollar called trade-dollar, which circulates in the country for one dollar specie.

The government having since received positive information on this subject, I invite you to announce officially to the treasurers of your respective arrondissements that they are authorized to accept in their collections the above-named dollar for one dollar specie.

The secretary of finance and commerce,

C. HAENTJENS.

No. 371.

Mr. Bassett to Mr. Fish.

No. 288.]

LEGATION OF THE UNITED STATES,
Port au Prince, March 9, 1874. (Received March 31.)

SIR: Referring to my No. 276, of the 23d of January last, I have the honor to represent that on the 22d ultimo my colleague of France caused to be made at the national palace the formal presentation of the diplomas and decorations conferred by President MacMahon of the French Republic upon President Saget of the Haytian Republic. I did not attend the ceremonies, but I am assured that there was considerable effort to make them impressive, especially as it was claimed, and probably correctly, that President Saget was, with only one exception, the first President of any of the Latin republics of this continent who had ever received "so honorable a mark of distinction."

The presentation speech of my colleague (inclosure 1) was read by his chancellor, my colleague himself being absent on account of indisposition. Both his remarks and those which his excellency gave (inclosure 2) in acknowledgment of them I take to be mostly, if not purely, complimentary.

At the conclusion of the presentation ceremonies, toasts were proposed and drunk amid the roar of saluting artillery. Among the toasts, as they are printed in *Le Moniteur*, was one from the keen, shrewd minister of foreign affairs, (inclosure 3,) who seldom speaks without a meaning. In it may be found, I think, a sort of epitome of some of the very natural reasons which have always kept the eyes of Haytians turned toward France. It struck me as quite worth looking over.

The diploma of President MacMahon (inclosure 4) has a tinge of royalty about it, but I suppose it is given in the ordinary form.

I send inclosed also a copy of *Le Moniteur* of the 28th ultimo, containing a report of all the proceedings herein referred to.

I am, &c.,

EBENEZER D. BASSETT.

[Inclosure 1 in No. 288.—Translation.]

Speech of the French minister.

PRESIDENT: I am happy to have to remit to your excellency, as a striking proof of the esteem and the sympathy of my government, the cross of grand officer of the Order of the Legion of Honor.

President, may such a testimony, which is merited only by the bravest and most powerful, prove to you that your conduct at the head of the government of Hayti has all the sympathy of the government of France and of the President of the French Republic, Marshal MacMahon, Duke of Magenta.

May you, President, such is the good wish of France for Hayti, assure, as much as it is in your power, peace and tranquillity in the bosom of your country, which nature has made eternally rich and civil discords so often unhappy.

[Inclosure 2 in No. 288.—Translation.]

Reply of President Saget.

It is with sincere gratitude that I receive this so precious souvenir of France.

That noble country was lately most unfortunate, but it inclosed in its bosom the most considerable material resources, and, above all, many devoted and generous hearts, and among them we count in the first rank the marshal, Duke of Magenta.

France has already regained her self-possession, and all political parties are happily convinced of the necessity of maintaining public peace. By the wisdom of his government, the marshal, Duke of Magenta, maintains and causes to prosper this peace.

From the bottom of my heart I desire the best success to his conciliating and conserving policy toward all the interests of France.

Mr. Consul, you know all my long-standing sympathy for your country, a sympathy which would be increased, if it were possible, since France has accepted the republican form, [of government.] You and myself, Mr. Consul, have learned to know each other since a long time; you could not, therefore, fail to know of my policy all [in the interest] of peace and conciliation.

[Inclosure 3 in No. 288.—Translation.]

Toast proposed by the minister of foreign affairs.

MR. CONSUL: We are happy to draw your attention to the enthusiasm with which each one hastens to come to render homage by his presence to Marshal MacMahon, and to thank him for the honor which he does the Haytian nation in conferring upon the chief of its government the cross of grand officer of the Legion of Honor. This mark of high distinction can only cement the good relations already existing between the two peoples.

Hayti, as you know, is the emancipated daughter of France. These two countries have constantly been mindful of the close ties which unite them. It is the French language which is our language; it is French books that instruct our youth; it is most often French ideas which stimulate us and make us gravitate toward progress. Also penetrated with the sympathy of Hayti for France, our statesmen have always endeavored to maintain between the two countries the best relations of peace and friendship. The government of President Nissage felicitates itself for having contributed to tighten again these good relations, and it is from the bottom of my heart that I invite you, gentlemen, to drink with me for their maintenance to the prosperity of France.

[Inclosure 4 in No. 288.—Translation.]

Marshal MacMahon, Duke of Magenta, President of the French Republic, to General Nissage Saget, President of the republic of Hayti.

Desirous of giving you a striking testimony of our personal esteem, we have conferred upon you the cross of grand officer of the national Order of the Legion of Honor, and we hasten to remit you the insignia of this dignity. We felicitate ourselves on the good relations established between our two countries, and we are happy to recognize openly that, under your conciliating authority, a loyal and scrupulous execution of treaties has rendered every day these relations more intimate and more sincere. In sending you this token of the remembrance (*marque de souvenir*) of France, which so many interests and so many sentiments of sympathy unite to Hayti since its origin, we are pleased to make our good wishes for the prosperity of the Haytian Republic, and to renew to you the assurances of our attachment.

Thereupon we pray God that He will hold you in His sacred and holy keeping.

Written at Versailles the 11th day of January, 1874.

MARSHAL MACMAHON,
Duke of Magenta.

No. 372.

Mr. Bassett to Mr. Fish.

No. 296.]

LEGATION OF THE UNITED STATES,
Port au Prince, April 9, 1874. (Received April 21.)

SIR: Referring to my No. 284, of the 23d of February last, I have the honor to state that I have just learned from confidential but relia-

ble sources that the leaders of the Corps Législatif, realizing at last the certainty of Domingue's success, and the futility of their opposition thereto, have, in the most private and confidential manner, opened with the prominent Dominguists negotiations looking to a compromise between the two parties, whereby the former agree to vote Domingue into the presidency in the regular way prescribed by the constitution, and the latter are to concede certain guarantees of apparently minor importance, such as, that Mr. Boyer Bazelaïs shall be admitted to his seat in the chamber of deputies without further factious opposition, and that certain elections recently held in the south shall not be unduly pressed for recognition. The negotiations are still in progress, and if well concluded, they may for the moment avert the civil strife for which all parties here seem to have been more or less preparing themselves, and they may secure the precedent, all-important to Hayti, of having a chief of state quietly retire at the end of the term for which he was elected.

The date fixed by the constitution for the opening of the legislative session was Monday last, the 6th instant; but no attempt at an organization has thus far been, and for several days yet may not be, made. Meantime, most persons here are in anxiety about the issue which must now so soon be met, and commercial affairs seem shifted from their ordinary grooves and for the moment brought almost to a stand-still. The events of the next ten days may enable us to determine whether peace or domestic strife awaits this country in the near future.

I am, &c.,

EBENEZER D. BASSETT.

No. 373.

Mr. Bassett to Mr. Fish.

No. 299.]

LEGATION OF THE UNITED STATES,

Port au Prince, April 17, 1874. (Received April 25.)

SIR: Referring to my No. 284, of the 23d of February last, and to my No. 296, of the 9th instant, both relating to the present condition of public affairs in Hayti, I have the honor to state that all attempts at reconciliation between the opposing political parties, up to this moment, have proved unavailing, and that, on the whole, the situation seems so critical that I feel warranted in taking the responsibility to request that a war-vessel of our Government be directed to touch here as soon as possible, under such orders as may allow it to rest in these waters a few days, according to need, and to afford, under the laws, the protection to our interests which circumstances may appear to demand.

The mere friendly presence of foreign men-of-war in the principal harbors of countries like Hayti, during times of civil commotion and domestic inquietude there, often, and generally, exerts a remarkable influence in favor of moderation and humanity.

I may add that, according to the best of my information and knowledge, my colleagues of Great Britain, of France, and of Germany, have made of the authorities of their respective governments requests similar to that which I herein make.

I am, &c.,

EBENEZER D. BASSETT.

No. 374.

Mr. Bassett to Mr. Fish.

No. 304.]

LEGATION OF THE UNITED STATES,
Port au Prince, May 9, 1874. (Received May 21.)

SIR: Le Moniteur of the 2d instant contains three official letters from Santo Domingo, all being dated the 16th ultimo. Two of them are addressed by Señor Garrido, secretary of state for that republic, to the Haytian minister of foreign affairs. In one of these the Dominican minister announces to the Haytian minister "that on the 6th of this month (April) the most excellent citizen Ignacio M. Gonzalez took charge of the presidency of the republic, and that by decrees of the same date he constituted the ministry, of which the undersigned (Señor Garrido) has the honor to be a member for foreign affairs." In his other note he prays the Haytian minister "to be pleased to transmit to his excellency the President of the republic of Hayti the inclosed document, by which his excellency the General Ignacio Maria Gonzalez gives him knowledge of his (Gonzalez's) elevation to the presidency of the Dominican republic." The third of these dispatches (see inclosure) is from "Ignacio M. Gonzalez, President of the Dominican republic, to the most excellent General Nissage Saget, President of the republic of Hayti." In it President Gonzalez announces to President Saget "that he has been elevated to the presidency of the Dominican republic by the direct universal vote of his fellow-citizens, and that he entered upon the discharge of the duties of his office on the 6th ultimo." He further declares that he feels it his duty to express his ardent desire to see consolidated "the good relations, inaugurated since the glorious revolution of November between the two countries, by means of treaties which may establish definitely a durable peace between two peoples who, inhabiting the same territory, have identical interests."

Le Moniteur, in introducing these communications, says: "The government has been very happy to receive from the Dominican government dispatches announcing to it the definitive establishment of that government and the taking of the oath conformably to the Dominican constitution by his excellency General Ignacio M. Gonzalez, elected President of that republic. It is with the liveliest pleasure and the greatest eagerness that we bring the tenor of these dispatches to the knowledge of the country, which will appreciate everything that they contain satisfactory for the future of the two republics and for the establishment, so necessary between them, of cordial relations of friendship."

And on the 1st instant, at the agricultural fête, President Saget, in his address to the farmers and other country-people, said: "I affirm to you that the four years of peace which we have had have procured for us an immense result; they have furnished to the government the occasion for the restoring of concord between us and our brothers of the east; the two governments which watch over the destinies of the two peoples have extended the hand, the one to the other, (*se sont donne's la main.*) I announce to you that to-day the Haytian, like the Dominican, can travel in a common hospitality, in a common reciprocity, from one end of the island to the other! For this let us render thanks unto Heaven."

Notwithstanding these somewhat enthusiastic demonstrations of friendship between the two republics, I still adhere to the views ex-

pressed in my No. 278, of the 23d of January last. Whatever pleasant diplomatic notes may be exchanged between the authorities of the two countries, there still exists generally between the two peoples a mutual dislike, which only time and good conduct can correct. And notwithstanding the mention in the Dominican dispatches in *Le Moniteur* and in President Saget's remarks of the "two republics" and "the two peoples," it is believed that this government has felt and still feels that Santo Domingo by right belongs to Hayti. It has never yet fairly acknowledged the independence of that republic, and it is my opinion that it would hardly be disposed to do so if it could well act otherwise. There are facts which tend to substantiate this opinion. About the end of last year leading Dominicans and Haytians, who were holding high carnival here over the fall of Baez, found consolation in the conclusion that Hayti could negotiate, sign, and ratify with Santo Domingo a general treaty of friendship, commerce, and alliance without recognizing the independence of the latter.

About this time I had a conversation with the able Haytian minister of foreign affairs, in the course of which he distinctly said to me: "By right Santo Domingo belongs to us; of course she belongs to us; but we know that we are not in a position to enforce this right." And when I reminded him that other governments, among them that of the United States, had acknowledged the independence of Santo Domingo, and stated that I hoped that in its own good time, and its own way, Hayti would manifest before the world a friendly disposition toward its neighbor, he said: "Yes, we ought to have a treaty with that country; we can do nothing else in the face of other powers."

In short, it is my opinion that it will be a hard matter for this government to give up finally the hope (which I think it has cherished since 1843) of re-establishing its authority over the neighboring republic; and that when it must, from whatever considerations, face the reality of establishing a treaty with its neighbor, it will find that the Dominican is fully alive to his interests, and in no way disposed to be governed or overreached by the Haytian.

I am, &c.,

EBENEZER D. BASSETT.

[Inclosure.—Translation.]

Ignacio M. Gonzalez, President of the Dominican Republic, to the most excellent General Nissage Saget, President of the Republic of Hayti.

SANTO DOMINGO, April 16, 1874.

MOST EXCELLENT SIR: I have the honor to inform your excellency that by the universal direct vote of my fellow-citizens I have been elevated to the presidency of the Dominican Republic, and that I took possession of that charge on the 6th instant, having taken the constitutional oath.

In communicating to you this fact, it is my duty to express to you the ardent desire which animates me to see consolidated the good relations inaugurated since the glorious revolution of November between the two countries, by means of treaties which may establish definitely a durable peace between two peoples who, inhabiting the same territory, have identical interests.

In view of the realization of such a happy event, I pray the Almighty as well for the happiness of the Haytian people as that He may still accord long years of existence to your excellency, who will receive the sentiments of friendship with which I subscribe myself of your excellency the faithful servant and good friend.

IGNACIO M. GONZALEZ.

No. 375.

Mr. Bassett to Mr. Fish.

No 305.]

LEGATION OF THE UNITED STATES,
Port au Prince, May 9, 1874. (Received May 21.)

SIR: The United States war steamer Kansas came into this harbor on the afternoon of Sunday, the 26th ultimo, and on the morning of the 27th her gallant commander, Allen V. Reed, and myself went together to pay our respects to President Saget, at the national palace, where we were cordially received by both his excellency and his ministers.

Commander Reed informed me that he was not under special orders to touch at Port au Prince, but as he was obliged to coal here, he was not ready for sea until the morning of the 1st instant. The first of May is everywhere in Hayti devoted to the celebration by the authorities, and especially by the common people, of the agricultural fête. Many rumors were afloat that there were dangers of popular uprisings, and perhaps of an attempt at a *coup d'état*, on that day. These rumors, under the existing condition of affairs here, naturally caused some uneasiness. I therefore thought it well to suggest to Commander Reed the desirability of his delaying his departure until the morning of the 2d instant. He not only readily assented to my suggestion, but said that he would remain longer "if there should be any troubles which would make the presence of a national vessel necessary or desirable."

Late on the 2d instant, fortunately no circumstance having arisen to make his continued presence necessary, he weighed anchor for Cayemites, the bay of Aux Cayes, Aquin, Jacmel, and Cape Haytien, to make in the first three of these localities a survey of reefs and shoals.

Before leaving, he kindly and voluntarily promised to return to this port, if I should notify him, during his stay around the island, of any necessity or desirability for his presence here.

Early Wednesday morning, the 6th instant, the Kansas re-entered this port, and Commander Reed notified me that the cause of his unexpected return was, that while he was proceeding with his survey at Cayemites, the officer commanding a neighboring place, called Pestel, appeared and made such objections to the continuance of his work as induced him to decide to come to Port au Prince to represent his mission through this legation to the superior authorities of the government of Hayti.

We at once repaired to the national palace, where we met the President and his ministers of state, and represented the facts in the case to the minister of foreign affairs, who listened attentively to our statements, and said that there should, of course, be no objections made to the mission of the Kansas, and that if I would send him a brief note of the case, so that he might read it to his colleagues, he would immediately give it his attention.

Within an hour I caused to be handed to him a note (inclosure 1) explaining the duty on which Commander Reed was sent to Haytian waters, and asking that such instructions be given as would allow him to fulfill that mission without interruption or question from the local authorities. And soon after the commencement of afternoon business-hours the minister responded (inclosure 2) that, his government sympathizing with Commander Reed's mission, the latter could undertake, whenever he wished, the work intrusted to him in these waters, and that the department of the interior would not fail to give directions to the authorities of the designated localities, in order that they might, according to need, lend all the concourse which might be demanded of them for the success of the commander's mission.

I passed this note to Commander Reed, and during the evening of the same day he once more sailed from this harbor for the fulfillment of the duty with which he was charged.

While the *Kansas* was in port the 2d instant three of her men came on shore and did not return, and could not be found to be sent on board in time for the sailing of the steamer. Neither Commander Reed nor myself thought, from the circumstances, that they intended to desert, and when I found them, on the 4th instant, I started them, under a guide, who was to accompany them part of the distance, to our consular agent at Jacmel, with an instruction to the latter to report them to the commander and return them on board the *Kansas* when she should reach that place. But they pretended to become discouraged at the prospect of the journey on foot, and came back to Port au Prince. They were seen here on the 6th instant, but I have not yet learned whether they went on board the *Kansas* before she sailed on the evening of that day or not.

I ought perhaps to add that the authorities, and almost everybody else here, expressed satisfaction with the presence of Commander Reed and his officers, and several signified to me their pleasure at meeting both him and them.

I am, &c.,

EBENEZER D. BASSETT.

[Inclosure 1 in No. 305.]

Mr. Bassett to General Lamothe.

LEGATION OF THE UNITED STATES,
Port au Prince, May 6, 1874.

GENERAL: Commander Allen V. Reed, of the United States Navy, who is now in this port on the steamer *Kansas*, is under orders from the Navy Department of my Government to make a marine examination, in the interests of humanity and navigation, with the view of locating accurately a shoal near the entrance of Cayemites Bay, the position of Meste Bank, near the bay of Saint Louis du Sud, and a small coral ledge near the bay of Aquin, all in Haytian waters, and he makes the request, in which I myself join, that you will give to him the permission, and to the local authorities the instructions, which will allow him to complete the indicated work without interruption or question from those authorities.

I am, general, your obedient servant,

EBENEZER D. BASSETT.

[Inclosure 2 in No. 305—Translation.]

General Lamothe to Mr. Bassett.

BUREAU OF FOREIGN AFFAIRS,
Port au Prince, May 6, 1874.

MR. MINISTER: I have had the honor to receive your dispatch of this day, which informs me of the mission confided, in the interest of navigation and of humanity, by the Navy Department of the United States, to Commander Allen V. Reed, of the steamer *Kansas*, charged to proceed to the examination and exact determination of certain points of our southern coast situated at the entrance of Cayemites Bay, in the neighborhood of the bay of Saint Louis and near to the bay of Aquin.

My government participating in this idea, I am most happy to say to you that Commander Allen V. Reed can undertake, when he thinks it opportune, the work intrusted to him, and that the department of the interior, &c., will not fail to give orders to the authorities of the designated places that in case of need they may give all necessary assistance which may be demanded for the success of this mission.

I seize this occasion to renew to you, Mr. Minister, the assurance of my very high consideration.

The secretary of state for foreign affairs, &c.,

JH. LAMOTHE.

No. 376.

Mr. Bassett to Mr. Fish.

No. 308.]

LEGATION OF THE UNITED STATES,
Port au Prince, May 9, 1874. (Received May 21.)

SIR: Asking reference to my Nos. 284 and 296, I have the honor to state that although we are within one week of the date fixed by the constitution of this country for the retirement of President Saget, the situation of affairs here still continues to be without any satisfactory prospect of an adjustment which will free the country from apprehensions of impending irregularities, commotion, and perhaps civil strife.

General Domingue was called by the President to the capital, which he entered, amid some enthusiasm and with a numerous escort, on the 19th ultimo. He is still here, and so far has conducted himself in a modest, sensible, and unobtrusive manner. The senate organized its session with its constitutional majority on the 13th ultimo. But up to this moment, in spite of every effort, the chamber of deputies has failed to secure an organization, so that it is pretty well settled now that there will at present be no National Assembly, and consequently there can be no constitutional choice of a successor to President Saget. The senate has declared itself in permanent session, it has sent messages to the executive, and it has adopted remonstrances and entreaties touching the conduct of the deputies who refuse to join in an organization of the house of representatives. But, in spite of all, the fact is fairly before them and the country that, without technically infringing upon the constitution of 1867, twenty-six deputies or eleven senators can at any time completely arrest and block up the whole course of legislative action, and that at least twenty-six deputies have chosen this course of action, to which they firmly adhere. Thus the so-called "liberal" party, finding themselves foiled and powerless at every turn, and having failed in their attempts at reconciliation with the Dominguists, (see my No. 296,) are now addressing themselves to the Saget party, beseeching President Saget to remain in power "until a constitutional election of a successor." But President Saget, though flattered and courted by the "liberals," has not yet pronounced himself, and continues evidences of friendship for Domingue, though it is true these evidences may be only personal.

It is thus conceded on all hands here that Hayti is even now in the midst of a political revolution, which will probably lead to an early appeal to force. It seems to be conceded also that a provisional government, and perhaps a constituent assembly, must now be called, for a revision of the constitution, and, perhaps, the choice of a President. It was such an assembly that chose Salnave President in 1867. Meantime it is possible, even probable, that General Domingue may be proclaimed chief of the state by the armies of the republic.

* * * * *

I am, &c.,

EBENEZER D. BASSETT.

No. 377.

Mr. Bassett to Mr. Fish.

No. 309.]

LEGATION OF THE UNITED STATES,
Port au Prince, May 21, 1874. (Received May 29.)

SIR: Referring to my No. 308 of the 9th instant, I have the honor to

represent that from that date until the afternoon of the 14th instant, apprehension of impending commotion and danger to the general safety continued to fill the public mind, and the utmost inquietude and even consternation prevailed everywhere, as the war-cloud seemed already charged and ready to burst upon the country; but that such public steps were taken on the latter-named day as averted open hostilities then, and up to the present writing have so far dissipated the war-cloud which hung over the Haytian people as even to give some hope, but not yet a certainty, of clearer skies and more peaceful times for the immediate future.

As related in my No. 308, it had been well ascertained that there could be no constitutional election of a successor to President Saget, because no chamber of deputies could be organized, and that the party of the Corps Législatif were beseeching the President to remain in power until a constitutional choice could be made of that successor. I knew very well, and the senate must have known equally well, that if President Saget attempted to remain in power a single hour after the 15th instant, the adherents of General Domingue, right or wrong, were fully decided to appeal at once to arms. It was known, too, that their forces were equipped, camped, and within easy call, and that, moreover, the leading military chieftains of the country were ready to join the standard of Domingue. And yet with an apparently stolid adherence to a principle of constitutional government which really does not now exist, and never has existed in Hayti, and in full view of the fact that there could be no adequate forces at hand to meet those of Domingue's adherents, the senate on the 11th instant, after learnedly referring to articles of the constitution and plausibly stating its views on the subject, declared "that to prevent the anarchy which would result on the 15th of May from the absence of an executive power regularly constituted, President Nissage Saget, who holds his powers by the vote of the National Assembly, and who has taken the following oath: 'I swear before God and before the nation to observe, and cause to be observed, faithfully the constitution and the laws of the Haytian people, to respect its rights, to maintain the national independence, and the integrity of the territory,' is bound (*est tenu*) in the interval, and until the senate and the chamber of deputies, forming actually the fourteenth legislature, united in National Assembly, shall have designated his successor, to provide for the public security, and for the faithful execution of the constitution and the laws, in the highest interest of order and public tranquillity, and in accord with the senate to take by right and by reason all measures to extricate the country from the perilous situation in which it is placed."

Up to this time no human ingenuity had succeeded in drawing from the President any expression as to the course he intended to pursue. Domingue was quietly quartered near the palace watching the course of events, with no apparent emotion or concern in the progress of events. The country and the capital especially were, as already intimated, in the greatest consternation. Many leading citizens with their families took passage for foreign lands, and others moved their personal effects to places of supposed security. The President was besieged by the adherents of the different parties, by the priesthood and others who should, perhaps, have maintained a dignified neutrality. The ministers of state were irreconcilably discordant and divided at this critical moment, and there appeared no way out of the fearful situation. But on the 12th instant a self-constituted committee, among whom were Mr. Thomas Madiou, Mr. Preston, father of the Haytian minister in Wash-

ington, and others, in whom the President placed great confidence, called upon his excellency, and told him that they had come to him in the interests of society to reason and advise with him, in that sacred interest, as to the course he intended to pursue. At first he would not listen to them, and conducted himself in such an impassioned and boisterous way that all the committee were about to retire except Mr. Madiou, who, with perfect self-command, insisted on fulfilling his mission. Finally the President yielded and said he would give ear to their counsels. They then pictured to him faithfully the state of affairs above noted, and assured him that he must retire at the end of his term. The force of their arguments was such as to secure from him an assent to their propositions. They advised him to hand over his power to the secretaries of state, according to the constitution, which provides that in case of the resignation, death, or deposition (*en cas de démission, de mort, ou de déchéance*) of the President, the executive power shall go to the cabinet. If Saget remained until the exact end of his term, the cases foreseen by the constitution would be inapplicable. Therefore, on the 13th instant he addressed a dispatch to the cabinet (inclosure 1) handing over to them the executive power, and informing them that General Domingue was charged with the chief command of the army. This particular dispatch was, however, not made public until the 16th instant. On the same 13th instant also he issued a proclamation (inclosure 2) declaring that Mr. Excellent was appointed secretary of finance in place of Mr. Charles Haentjens who had resigned. Another proclamation bearing the same date was simultaneously issued pardoning several prisoners. The citizen Excellent is a son of ex-President Boyer, and was a minister of state under Salnave. Everybody seems to take these two executive acts, thought to have been inspired by Domingue, as evidence of a conciliatory disposition on his part.

On the morning of the 14th, the capital was surprised to find that during the night several thousand of Domingue's troops had entered the city and quietly stationed themselves on the Champ de Mars. I passed them as I was coming to the legation-office early that morning, and I think I never saw a more determined looking set of men. Later in the forenoon they were moved into the heart of the city. As the decision of President Saget to retire was not at that hour known except to a chosen few, it can readily be imagined that the presence of these troops in no way tended to allay the existing excitement and alarm. Presently the drums were beat, the fifes were sounded, the troops were drawn up in long lines through some of the chief streets, and almost every one thought the critical moment had arrived. But relief soon came, for shortly afterward there was announced and read to the army and to the populace, amid much pomp and display, the proclamation of President Saget, in which he publicly resigned his office and handed over the executive authority to the cabinet, and announced that he had invested General Dominigue with the chief command of the Haytian Army. The proclamation is herewith inclosed, marked 3. I think you may find it worth perusal. It is a remarkable document, well conceived and well expressed. No such step has ever before been taken in this republic as a chief of state voluntarily retiring at the end of his term. It forms an important precedent, and under whatever circumstances it was established, and whatever purposes he may have cherished even until the last moment, I think it will be regarded as reflecting more or less credit upon General Saget. When he took leave of the army at the public square on the 15th instant, amid an immense collection of the military, citizens, and foreigners, he was received with some enthusiasm, in evi-

dent appreciation of the step he had at last taken. And yesterday the cabinet issued a decree, (inclosure 4,) according to him a pension of four thousand dollars per annum and a guard of honor. Last evening, when he came with his staff to my house to take leave of my family, he informed us that he should to-day leave Port au Prince for his home, at Saint Marc, where he intended passing the remainder of his days in quiet devotion to his personal affairs.

Meantime General Dominique, both by his command as generalissimo of the army and by his prominence and popularity as a candidate for the presidency, is almost complete master of the situation. It is claimed for him, too, that thus far he has in no way violated any provision of the constitution or of the laws, and I suppose that, technically speaking, this may be correct. It was likely, therefore, that his friends would see to it that he should come to the presidency in some way technically consistent with the constitution, if possible. The propositions to have him proclaimed by the armies and to have him elected by a direct appeal to the people were rejected, and the cabinet yesterday issued a proclamation, (which I trust you will pardon me for sending herewith in the original, as it reached me too late this forenoon to allow me to write out a translation of it in time for the departure of the steamer to-day,) directing the election of members for a constituent assembly, which is to meet at the capital on the 10th proximo, whose duty it shall be, (1) "to provide for the election of the President of Hayti," and (2) "to make a constitution in accord with the customs and aspirations of the Haytian people." I have heard the provisions of the proclamation as to the details of carrying on the election severely criticised. It is said that they in some respects contravene the electoral law. Of this, however, I am not now called upon to give an opinion. But the great fact remains, that the constitution of 1867, which cost the country two years of bloody civil strife, and for which Salnave was sacrificed and his friends persecuted, has been found in the end impracticable, and may be said to have no more a healthy existence.

The result of the elections and the action of the constituent assembly after the 10th proximo are awaited with no little interest and anxiety.

I am, &c.,

EBENEZER D. BASSETT.

[Inclosure 1 in No. 309.—Translation.]

No. 6.]

PORT AU PRINCE, May 13, 1874.

(Seventy-first year of independence.)

Nissage Saget, President of Hayti, to the Cabinet of Secretaries of State :

GENTLEMEN SECRETARIES OF STATE: Having arrived at the expiration of the mandate (*étant parvenu au terme du mandat*) which the nation confided to me, and having taken all the measures which can guarantee public order and our institutions, I have the honor to hand over to you my resignation as chief magistrate of the republic.

General Michel Domingue, commander of the department of the south, and charged with the commandment in chief of the Haytian army, General Nord Alexis, commander of the department of the north, and the commanders of arrondissements, in whom I have always placed my confidence, will lend you all their concurrence for the maintenance of order, the respect of person and property. Conformably with the one hundred and eighth article of the constitution, you will exercise the executive power during the vacancy.

I pray the Almighty that the nation may, under your administration, enjoy peace, and place at its head the citizen who has rendered the most services to the country.

I have the honor, gentlemen secretaries of state, to salute you with very high consideration.

NISSAGE SAGET.

[Inclosure 2 in No. 309.—Translation.]

DECREE.

Nissage Saget, President of Hayti, considering the one hundred and thirteenth article of the constitution, considering that it is necessary to complete the council of secretaries of state, decrees as follows:

ARTICLE 1. The citizen Excellent is named secretary of state for finances and commerce, in place of the citizen C. Haentjens, whose resignation is accepted.

ART. 2. The present decree will be printed, published, and executed throughout the whole extent of the republic.

Done at the national palace of Port au Prince the 13th May, 1874, seventy-first year of independence.

By the President:

NISSAGE SAGET.

The Secretary of State for the Interior, &c.,

JH. LAMOTHE.

The Secretary of State for War, &c.,

S. LIAUTAUD.

The Secretary of State for Justice, &c.,

O. RAMEAU.

[Inclosure 3 in No. 309.—Translation.]

LIBERTY, EQUALITY, FRATERNITY—REPUBLIC OF HAYTI.

Proclamation.

Nissage Saget, President of Hayti, to the people and to the army.

HAYTIANS: An event without precedent in the parliamentary annals of Hayti has just taken place. The legislative chamber finds itself incapable of acting in concert with the senate, to constitute the National Assembly charged according to the terms of our fundamental law to elect the chief who ought to replace me as President of the republic.

Alarmed at the state of affairs, the representatives present at the capital and the senate adopted certain resolutions, which this last corps has expedited to me, and by which they invite me to continue the exercise of the executive power beyond the time rigorously fixed by the constitution, and until the election of the President of Hayti.

However plausible the motives which caused these resolutions to be taken may at first appear, these last, far from averting the embarrassments of the situation, can only create new ones. I could not, therefore, participate in them. No fraction of the chambers can deliberate upon and take resolutions having a constitutional character. Such acts ought only to be considered as the expression of wishes, of sentiments, that all citizens have the right to address, either to the executive power or to each of the two legislative chambers.

Neither can the senate alone take a decision of this importance and confer powers which it does not possess. The National Assembly itself would be (is) without authority to prolong the exercise of the executive power in presence of the formal terms of the constitution.

Haytians, after four years of the presidency, during which I have done all that has been possible to conduct safely the ship of state through the quicksands without number, which the force of circumstances had placed in its way, God has blessed my efforts.

I have arrived at the expiration of my presidential career with the satisfaction of the (a) chief who has neglected nothing to fix on a solid basis peace and public tranquillity. All my life gives proof of my respect for the laws and the institutions of my country. I shall not belie the past. At the moment of returning to my fireside I shall not dishonor my gray hairs by any act for which my political conscience would fundamentally reproach me.

Haytiens, the constitution which has created the present situation does not afford us any means to disengage ourselves from it. If it is true, according to our fundamental law, that it is only in the cases of resignation or death or deposition that the executive power can be confided to the council of ministers, it is evident that, one of these circumstances not presenting itself, it is by a sound interpretation of its meaning, by the precedents, and by the constitutional reason of things, that we can find an issue (a path by which) to come out of this difficulty. But when the constitution fixes, in a clear and precise manner, that leaves to the mind neither doubt nor matter for inter-

pretation, the date for the retirement of the chief of the executive power, it would be idle to try, by an interpretation more or less ingenious, to exceed this date by simulating a purely imaginary obscurity of the constitution. Therefore, citizens, the 15th of May is the irrevocable date at which I must lay down the powers which have been confided to me. I will not go beyond it. But using the faculty which the constitution accords to me, and in order to avoid all misunderstanding, I declare by the present that I resign the presidency of Hayti (*je me démet de la présidence d'Haïti.*) The council of ministers will act in virtue of the present declaration (*acte*) conformably to the constitution.

Haytians: the National Assembly cannot meet to proceed to the election of the President of Hayti. The representatives find themselves incapable of fulfilling their mandate; the senate formally recognizes it. In this delicate conjuncture it belongs, therefore, to the people themselves to take back the mandate which they have only confided to the chamber and to the senate. It is for the people, source of all power, to do that which no corps of the state can execute. The sovereign could not, in this case, be accused of violating the constitution. In exceptional situations, exceptional means must be employed to re-establish the free play of institutions.

In consequence, I hand over the power to the council of ministers; the people will be called later, and in the manner which shall be judged the wisest, to proclaim the election of the chief of the executive power.

Haytians, my fellow-citizens, in acting as I do, I conform myself to the principles of public right and to the wish manifested by a deputation of notable citizens of the capital. I put the corps of the state (*les corps de l'état*) under cover of the reproach of having violated, or of having attempted to violate, the constitution. I have also taken all the proper measures to secure peace and to guarantee life and property during all the time of the vacancy of the presidency, in investing with the commandment in chief of the Haytien army, General Michel Domingue, known by the eminent services which he has rendered to the country, by his civism, and already surrounded by the suffrages of the majority of his fellow-citizens.

I have wished, fellow-citizens, thus to give you a new proof of my love and of my gratitude. I will be happy and proud, if I carry away with me in my retirement the conviction of having justified the confidence which you have constantly shown me, and which I have always coveted.

Long live liberty! Long live independence! Long live public order! Long live the institutions!

Done at the national palace of Port au Prince, the 14th May, 1874, 71st year of the independence.

By the president:

NISSAGE SAGET.

The Secretary of State for War, &c.

S. LIAUTAUD.

The Secretary of State for Interior, &c.

JH. LAMOTHE.

The Secretary of State for Justice, &c.

O. RAMEAU.

The Secretary of State for Finances, &c.

EXCELLENT.

[Inclosure 4 in No. 309.—Translation.]

LIBERTY, EQUALITY, FRATERNITY.—REPUBLIC OF HAYTI.

Decree.

The council of ministers charged with the executive power, considering that it belongs to the dignity of the nation to settle an annuity upon General Nissage Saget, Ex-President of Hayti, and to surround him with the respect due to the rank which he occupied, decrees:

ARTICLE I. An indemnity of \$4,000 per annum is accorded to Ex-President Nissage Saget, which shall be paid to him monthly.

ARTICLE II. A guard of honor of fifteen men, three orderly officers and a secretary, attached to his person, who are to be of his choice, are also accorded to him.

ARTICLE III. The present decree, which shall be submitted later to the sanction of the Corps Législatif, shall be printed, published, and executed by the care of the secre-

taries of state for war, and marine, and for the interior, each in that which concerns him.

Done at the national palace of Port au Prince, the 18th May, 1874, the seventy-first year of independence.

The Secretary of State for War, &c.,

S. LIAUTAUD.

The Secretary of State for Interior, &c.,

JH. LAMOTHE.

The Secretary of State for Justice, &c.,

O. RAMEAU.

The Secretary of State for Finances, &c.,

EXCELLENT.

No. 378.

Mr. Bassett to Mr. Fish.

No. 310.]

LEGATION OF THE UNITED STATES,
Port au Prince, May 21, 1874. (Received June 20.)

SIR: Asking your reference to my No. 299 of the 17th ultimo, and to my No. 305 of the 9th instant, I have the honor to state that late in the afternoon of the 9th instant, Her Britannic Majesty's gun-vessel, *Sea Gull*, carrying three guns and one hundred men, under command of Commander Stubbs, came into this harbor, where she still remains, in response to the request of my colleague of Great Britain for the presence in these waters of a war-ship during the public irregularities and inquietude prevailing here; that in answer to a similar request from my colleague of France, the French steam-frigate, *La Magicienne*, carrying thirty guns and five hundred men, under command of Post Captain Guepart, Rear-Admiral Thomasset being on board, cast anchor in the bay of Port au Prince on the morning of the 10th instant, where she remained until day before yesterday and then left for Newfoundland; and that on the 15th instant, a day behind time, my colleague of the German Empire received an answer to his request for the presence of a man-of-war of his government pending the uncertainties of the public situation in Hayti, by the entry into this port of the German corvette, *Augusta*, which carries ten guns and two hundred and thirty men, under command of Baron von Goltz. She left the 19th instant, for Jamaica.

While lying at anchor here *La Magicienne* and the *Augusta* exchanged civilities with the authorities of this government and with each other.

Although the presence in these waters of war-vessels of their respective governments has, as is thus shown, been judged desirable by the representatives of the great powers, the United States, Great Britain, France, and Germany, I venture for myself to hope now, but am by no means yet quite certain, that any actual necessity which may have existed for such friendly armed presence has begun for the moment to disappear. But I learn from Her Britannic Majesty's minister resident that as the *Sea Gull* will probably leave in a day or two, he has asked for a national vessel of his government to come to the harbor of Port au Prince on or about the 7th proximo, and to remain during the elections and the choice of a President of Hayti, two important prospective events which are alluded to in my No. 309 of even date, and my colleague of France, the Count de Lemont, informs me that he expects here about the same time and for the same purpose the French corvette, *Duchayla*.

I am, &c.,

EBENEZER D. BASSETT

No. 379.

No. 312.]

LEGATION OF THE UNITED STATES,
Port au Prince, May 25, 1874. (Received June 20.)

SIR: Referring to my No. 309, of the 21st instant, I have the honor to state that late in the afternoon of that day Ex-President Nissage Saget, looking much worn and haggard, left the national palace, and, accompanied by a large escort of citizens, marched on foot, arm in arm with General Domingue, through long lines of the military drawn up to do him honor, to the landing-place at the seaboard, where, after taking an affectionate leave of many of his intimate friends, he embarked for his home at Saint Marc on board the Haytian war-steamer *Mont Organisé*, with his family and all his personal effects, amid the roar of saluting cannon from the neighboring forts and the expression of many good wishes for his future personal welfare.

No such fact as the voluntary retirement of a chief of state and his open embarkation for his home amid the plaudits of his countrymen has ever before transpired in the history of Hayti, and I hope that the precedent established in this instance may prove a salutary one for the future of this, in some sense, sorely afflicted country.

I am, &c.,

EBENEZER D. BASSETT.

No. 380.

Mr. Bassett to Mr. Fish.

No. 314.]

LEGATION OF THE UNITED STATES,
Port au Prince, June 6, 1874. (Received June 20.)

SIR: Referring to my No. 305, of the 9th ultimo, I have the honor to state that the United States steamer *Kansas*, having accomplished her surveying mission on the southern coast of Hayti, returned to this harbor during the forenoon of the 26th ultimo. It so happened on that day that considerable anxiety began to be felt here, because reports had gained circulation that Gen. Nord Alexis, commander of the department of the north, whose position had all along been regarded as questionable, was unwilling to acquiesce in the line of policy adopted at Port au Prince, and had decided to appeal to arms. This rumor was strengthened by the fact that the mails from the north were already three days behind their usual time of reaching the capital. I communicated these rumors to Commander Reed, and suggested to him that if I should find later in the day that they had caused any serious suspicions or anxiety to those in authority here it might be well for him to remain with the *Kansas* until definite intelligence could be obtained from Cape Haytien. Thereupon I called upon the minister of foreign affairs, Generals Domingue, Lorquet, and others, and found that they all shared in the apprehension that there was a possibility of some truth in the unpleasant rumors. And late in the afternoon I addressed a note (see inclosure) to Commander Reed, recounting the result of my visits to the officials above named, and telling him that, in my opinion, the prevailing uncertainty as to the public situation seemed to demand that he should keep the *Kansas* in the harbor of Port au Prince for two or three days. He readily consented to accede to my wishes in this particular.

Happily, on Thursday, the 28th ultimo, authentic information reached us that Gen. Nord Alexis had at last, and it is said with some reluctance or hesitation, accepted the situation, and fully consented to lend his aid in carrying out the policy inaugurated at the capital, and on the following morning the *Kansas* weighed anchor for Cape Haytien, the harbor of Monte Christo, where Commander Reed was to make a survey, and Key West.

I am, &c.,

EBENEZER D. BASSETT.

[Inclosure.]

Mr. Bassett to Commander Reed.

LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, May 26, 1874.

SIR: After having had full conversation with the minister of foreign affairs, Generals Dominigue and Lorquet, and other prominent persons here, in regard to the somewhat critical situation of affairs, I am confirmed in the opinion which I expressed to you this noon, that it seems desirable for you to remain with the *Kansas* in this port until at least Friday morning, the 29th instant. It is currently reported that there is an armed uprising in the north, and no one of those in authority here appears to know to the contrary. Without wishing to be considered in any way responsible for belief in this report, I venture to say that I think your remaining here for two or three days may be demanded by the uncertainty of the present public situation in this country.

I am, &c.,

EBENEZER D. BASSETT.

No. 381.

Mr. Bassett to Mr. Fish.

No. 316.]

LEGATION OF THE UNITED STATES,
Port au Prince, June 6, 1874. (Received June 20.)

SIR: Referring to my No. 309, of the 21st ultimo, I have the honor to state that the elections for members of the Constituent Assembly have been progressing quietly during the past two weeks in the different communes of the republic, and that there now seems scarcely a doubt of General Domingue's prompt election to the presidency on the assembling of that body the 10th instant. So far as I have personal knowledge of those chosen by these elections for the important work of providing "for the election of the President of Hayti" and of making "a constitution in accord with the customs and aspirations of the Haytian people," I feel bound to say that they are of the most respectable and intelligent of the citizens of this country. For instance, of the six chosen from this arrondissement, five are ex-secretaries of state, and the other an ex-senator.

Indeed, I begin almost confidently to hope now for peaceful times and improved prosperity to the republic of Hayti in the near future, though it must be said that the drift and end of political action in this country are often mysterious and almost past finding out.

I am, &c.,

EBENEZER D. BASSETT.

No. 382.

Mr. Bassett to Mr. Fish.

No. 320.]

LEGATION OF THE UNITED STATES,
Port au Prince, June 16, 1874. (Received June 27.)

SIR: Inviting reference to my No. 316, of the 6th instant, I have the honor to state in brief that the Constituent Assembly met and organized on the 10th instant; that, as predicted in my said No. 316, the assembly promptly and unanimously elected General Michel Domingue President of the republic of Hayti "for a period which shall be determined by the new constitution," and that on Sunday, the 14th instant, before the assembly, the diplomatic and consular corps, and an immense throng of citizens and foreigners, he took the prescribed oath of office "to fulfill faithfully the office of President of Hayti; to cause to be respected the national independence and the integrity of the territory; to observe, and cause to be observed, the laws of the republic."

Yesterday he issued a decree appointing a provisional ministry and a proclamation setting forth his programme of action, which is one of conciliation and promise, and in which no party, as far as I have yet learned, seems to be able or disposed to find cause for dissatisfaction.

By the very next opportunity I shall not fail to forward to you a full statement of all that has occurred touching this important event in the history of Hayti, and touching also what has transpired here relative to the treaty between the two republics of this island.

I am, &c.,

EBENEZER D. BASSETT.

No. 383.

Mr. Bassett to Mr. Fish.

No. 321.]

LEGATION OF THE UNITED STATES,
Port au Prince, June 23, 1874. (Received July 20.)

SIR: In my No. 320, of the 16th instant, I had the honor to convey to you intelligence of the election on the 11th instant, and the inauguration on the 14th instant, of General Michel Domingue as President of the republic of Hayti "for a period which shall be determined by the new constitution," and also to refer to a proclamation which he made to the Haytian people on the 14th and 15th instant.

It has occurred to me that it might be well to forward to you in the present dispatch the text in full of both the decree (inclosure 1) of the National Constituent Assembly and of the proclamation (inclosure 2,) and to submit briefly an observation or two upon these documents and the circumstances to which they have reference.

The new constitution referred to in the decree is the one which the present Constituent Assembly is charged to make, and it will be, I think, the eighth one which Hayti has seen fit to adopt since she proclaimed her independence, somewhat less than seventy-one years ago; thus true is it that constitutions and laws become mere empty forms when they are too far removed from accord with the customs and aspirations of a people. It is thought that the presidential term will be fixed by the new

constitution at seven years, and that the most difficult point to be determined by it will be that of defining clearly and well the relations which the executive and the legislature shall bear to each other and their respective spheres of action and authority.

In the Constituent Assembly are several of the most distinguished, intelligent, and experienced men of the nation, although the opposition party, whether to their credit or otherwise, generally abstained from presenting themselves at the polls during the voting for members of that body. To a large committee of the assembly has been referred the important task of drawing up the instrument which is to be the fundamental law of the land. It is probable that they will finish that work within the present week, and that the assembly will close its labors sometime during the coming month of July.

President Domingue's proclamation, (2,) which was really his inaugural address read on the occasion of his being sworn into office, and published throughout the country afterwards in the form of a proclamation, is in the original expressed with considerable precision and elegance of language, and breathes the spirit of patriotism, conciliation, good faith and a regard for the considerate opinions of others. I think it will be regarded as reflecting credit upon him, and that up to this point it quite justifies what is said of him in my No. 284, of the 23d of February last.

The inaugural ceremonies took place on Sunday, the 14th instant. They were attended by an immense throng of citizens, foreigners and soldiery. After the President had taken the oath of office and pronounced his inaugural before the Constituent Assembly, an imposing procession was formed in the street fronting the Assembly building, the diplomatic and consular corps being assigned a station of honor. Through long lines of the military the procession marched to the Cathedral where what were probably intended to be suitable religious services were held; his grace the archbishop making to the President an address to which the latter offered no reply. These services were felt by all, I think, to be exceedingly tedious, especially as the weather on that day was fearfully hot. But they being ended, the line of march was again taken and directed to the national palace. The President here presented to the diplomatic and consular corps his compliments, which I as the dean of that body briefly acknowledged. In the evening there were displays of fireworks and illuminations. Throughout the day and evening the utmost good feeling seemed to prevail, and perfect order was everywhere observed.

President Domingue, of whom I send herewith inclosed a small photographic portrait, upon the back of which he has put his autograph, is a man of pure African blood, about seventy-four years of age, he having been born amid the bloody scenes of the first revolution. Years, however, sit easily upon him. Even his gray hairs and a slight stoop in his shoulders are scarcely an indication of his more than three score years and ten. In stature he is a little under the usual height, not corpulent, but solidly, compactly built, is now and always has been a man of abstemious habits, and consequently of perfect health and vigor. He is always neat and careful, but never extravagant, in his dress. His *tout-ensemble* would, I think, strike a stranger favorably. Dignified and reserved, but after all affable in his manners, he never appears to be elated or depressed, or indeed changed at all, by any bodily condition or outward circumstance. French he speaks with ease and general correctness, though with his intimate friends he sometimes seems to prefer to drop into the easy and flexible creole; in all cases, however, seeming to weigh with care every word before he utters it. I have found him a

man of remarkable memory, fair intelligence, good common sense, and of rather severe and austere ideas. He appears to me to be naturally a lover of justice and of the good opinion of others, though it is said of him that, once decided, his firmness amounts almost to obstinacy. It is owing to this last characteristic, and to the fact that his nephew, ex-minister Septimus Rameau, against whom the opposition entertain a strong and bitter feeling, has very considerable—some say a complete—influence over him, that many of his opponents are said to have fears that he may, upon inadequate causes, be led into sternness and severity toward them. Since 1816, now fifty-eight years, he has been in the public service here, and it is my hope that his long experience in the affairs of his country, his seeming desire for the good opinion of the better portion of society as well as of the outside world, and his character as a whole, may prove these fears to be unfounded and make the sentiments expressed in his proclamation a living reality.

I am, &c.,

EBENEZER D. BASSETT.

[Inclosure 1 in No. 321.—Translation.]

DECREE,

Bearing nomination of the citizen Michel Domingue to the office of President of the republic.

The National Constituent Assembly, using the powers which are conferred upon it by the decree dated the 20th May last of the council of ministers exercising the executive power, inasmuch as the unanimous vote of the national constituent assembly has called the general of division, Michel Domingue, to the Presidency of the republic of Hayti,

Decrees:

ARTICLE 1. The general of division, Michel Domingue, is named President of the republic for the period which shall be fixed by the new constitution.

ARTICLE 2. He will take before the National Constituent Assembly the following oath: "I swear to the nation to fulfill faithfully the office of President of Hayti, to cause to be respected the national independence and the integrity of the territory, to observe and to cause to be observed the laws of the republic."

ARTICLE 3. Considering the urgency (of the situation) the President, Michel Domingue, will enter immediately upon the discharge of the duties of his office.

ARTICLE 4. The present decree shall be printed and published throughout the whole extent of the republic.

Done at the palace of the National Constituent Assembly, Port au Prince, the 11th June, 1874, seventy-first year of independence.

The president of the Assembly,

J. THÉBAUD.

The secretaries,

J. A. DUMBAR,

A. ANDRÉ.

[Inclosure 2 in No. 321.—Translation.]

LIBERTY, EQUALITY, FRATERNITY.—REPUBLIC OF HAYTI.

Proclamation.

Michel Domingue, President of Hayti.

HAYTIANS: Called by the suffrages of the nation to direct the destinies of my country, I accept, as chief of the state, the heavy political task with all the gratitude and all the respect due to the high confidence of my fellow-citizens. With the concurrence of all, I shall employ in the accomplishment of my duties the activity and the devotion of an honest citizen, the good faith of a father of a family, of the public functionary who

desires ardently to re-unite in a group of national unity all the children of the country, to guarantee peace and the institutions under whose shade it ought to flourish.

Haytians, the parliamentary conflict which has just taken place offers us a great lesson and the subject of profound meditations. It recalls to us especially "that institutions are made for the people, and not the people for institutions." It belongs to our wisdom now to provide against the reproduction of the difficulties through which we have happily passed, but which have not the less disturbed the public mind in causing an instant of doubt to hover over the destinies of the country.

At last, thanks to Providence, the clouds have disappeared. The sun of restoration, so much desired, shines in the political horizon. Let us mingle our efforts to render solid the tree of liberty and to guarantee the future. The prosperity of the republic depends henceforth upon the patriotism, upon the disinterestedness, and, above all, upon the union of (the elements of) conservative society on its firm resolution to strengthen and regenerate itself.

Haytians, if my heart has been grieved by the dangers which have threatened our families, it has the right to be satisfied, now that the national will has solemnly manifested itself and permits us to perpetuate orders to maintain the sacred principles of equity and of justice which are the source and the safeguard of republican virtues, the first pledges upon which rest the national good faith and security. Let us efface political hatreds and recriminations. They belong only to vulgar and guilty minds, and not to the true lovers of public liberties who extol, as we do, the reign of progress, and wish sincerely to inaugurate it, to fix its basis, with this consoling hope, this patriotic faith, "that the moral and material advancement of the country can only be realized by order, public instruction, labor, the development of national industries and riches."

Haytians, let us elevate, by our patriotism, our courage, and our resolution, the national flag to the eminence which our happy destinies assign to it, by the side of contemporary nations; let us invite among us literature, arts, and science, in order that agriculture and commerce may receive almost simultaneously all the necessary elements for their prosperity, and restore to us universal confidence and sympathy.

The nation will take into consideration my starting-point, will note well my efforts for its welfare; it knows how difficult the public situation is in which it hands over to me the reins of the republic.

Long live the republic! Long live the restoration of our institutions! Long live the indissoluble union of the Haytian family!

Done at the national palace, at Port au Prince, the 14th June, 1874, seventy-first year of independence.

DOMINGUE.

No. 384.

Mr. Bassett to Mr. Fish.

No. 322.]

LEGATION OF THE UNITED STATES,

Port au Prince, June 23, 1874. (Received July 20.)

SIR: Referring to my No. 304 of the 9th ultimo, I have the honor herein to present an outline of the further steps which have been taken in regard to a treaty between the two republics of this island. A day or two after the date of that dispatch Señor Zafra arrived here charged by the government of Santo Domingo to ascertain whether it was the pleasure of the government of Hayti to enter, without unnecessary delay, into negotiations touching the proposed treaty between the two countries, and, if such should be its pleasure, to take knowledge of its disposition as to the manner in which the preliminaries to this end should be arranged. About the same time this government sent on a similar mission to the capital of the neighboring republic General F. Richiez. He was especially charged also there to give intimation of the inclination of his government toward a preference for having the negotiations carried on at Port au Prince.

General Richiez reports that he arrived at Santo Domingo City on

the 16th ultimo, and that he was received the same day by the Dominican minister of foreign affairs and afterward by President Gonzales. In his address to the latter, on the occasion of his reception, General Richiez is reported in the Dominican official journal of the 19th ultimo as saying: "When the republic of which you are now the chief magistrate, fatigued by an oppression which menaced its future, rose up spontaneously to affirm anew its irrevocable resolution to remain free and independent, Hayti trembled with joy." The general then gives assurance of the full concurrence in this sentiment of "President Nissage Saget," and President Gonzales in his response makes mention of his high esteem for "President Nissage Saget."

On the 18th ultimo, President Gonzalez announced to the Haytian envoy that he had decided to send plenipotentiaries to the Haytian capital, there to join in taking up and carrying forward the negotiations for "a treaty of peace" between the two countries. His excellency's dispatch to this effect is dated the 19th ultimo, and is addressed "to His Excellency, Nissage Saget, President of the republic of Hayti." In it he says: "Desiring to strengthen the relations of friendship which unite at present our two respective peoples, and to respond to the frank cordiality of the government of your excellency, I have named as plenipotentiaries of the republic the citizens Carlos Novel, José Gabriel Garcia, Emiliano Tejera, and Juan Bautista Zafra, to the end that they may, on going to your capital, make there in the name of the republic, with the plenipotentiaries whom your excellency may be pleased to name, a treaty of peace, commerce, &c., which in fortifying our relations will procure peace and well-being to the two peoples."

The plenipotentiaries arrived here about the end of last month, and were received with the considerate attention due to their rank. Visits were exchanged between them and my colleague of Great Britain, and I think my colleague of France also met them. But, although I walked in the inauguration procession near them, I neither spoke with them, nor did I exchange visits with them, except that Señor Zafra made two friendly calls upon me in company with General Valverde.

As I have intimated in former dispatches, and as I quite anticipated, excuses were found by this government by which it avoided coming squarely to the point of naming on its part plenipotentiaries to join those of Santo Domingo in the work of making the treaty. It was claimed that it might be held that all the machinery of this government was not yet fully in motion; that it was not yet known with whom the treaty-making power might be lodged by the new constitution, and finally that the letters of credence and full power borne by the Dominican envoys were pointedly addressed to Nissage Saget at a date when that citizen was no longer President. The result of all this was that the Dominican envoys yesterday took passage, albeit in an apparently friendly spirit, on the German steamer for Puerto Plata, intending to go thence to Santo Domingo City, there to await future developments relative to the contemplated treaty.

I think I can trace in these proceedings some justification for the opinion which I ventured to express in my No. 304, as to the hesitancy with which this government probably would after all consent to enter upon the work of establishing a full treaty with the Dominican Republic. Indeed I shall not be surprised if no treaty at all be concluded between the two powers for at least some time to come.

I am, &c.,

EBENEZER D. BASSETT.

No. 385.

Mr. Bassett to Mr. Fish.

No. 326.]

LEGATION OF THE UNITED STATES,
Port au Prince, July 9, 1874. (Received July 20, 1874.)

SIR: On the 4th of July instant, in commemoration of our nation's birthday and in honor of our country, all my colleagues without exception hoisted their flags. Nearly all of them, together with numerous other foreigners, Americans and citizens of the country, called at the legation to pay their respects; and President Domingue purely of his own motion, and quite unexpectedly to me, sent to the legation the inclosed friendly sentiment, signed by himself. While my colleagues and others were here, the British minister and the German representative each proposed in fitting terms the health of President Grant, which was received with marked evidences of approval and satisfaction by all present.

I am, &c.,

EBENEZER D. BASSETT.

[Inclosure.—Translation.]

*President Domingue to Mr. Bassett.*PRIVATE BUREAU OF THE PRESIDENT OF HAYTI,
Port au Prince, July 4, 1874.

MR. MINISTER: To-day being the anniversary of the national fête of the United States, I come to express to you all the joy that I share with you this day.

May the States of the Union prosper under the shadow of peace, and may the ties of friendship which exist between the great American republic and Hayti be drawn closer and closer.

Receive, Mr. Minister, the new assurance of my affectionate salutations.

DOMINGUE.

MR. E. D. BASSETT,

Minister Resident of the United States near the Haytian Government.

No. 386.

Mr. Fish to Mr. Bassett.

No. 207.]

DEPARTMENT OF STATE,
Washington, July 22, 1874.

SIR: With reference to your No. 326, of the 9th instant, acquainting the Department with the honors paid to the United States and to the President, by President Domingue and by the diplomatic representatives at Port au Prince, on the national anniversary of the Independence of the United States, I have to request you, in the name of the President, to convey to President Domingue his acknowledgments for the friendly sentiments toward the United States expressed in his note, a copy of which accompanied your dispatch.

I am, &c.,

HAMILTON FISH.

No. 387.

Mr. Bassett to Mr. Fish.

No. 330.]

LEGATION OF THE UNITED STATES,
Port au Prince, July 29, 1874. (Received September 5.)

SIR: As an evidence, albeit, perhaps, not an over-important one, of the increase of good feeling on the part of the authorities of Hayti toward our country and our countrymen, I venture to relate to you that at a social fête and ball given on the 23d instant by the merchants of Port au Prince in honor of President Domingue, on a scale commensurate both with the dignity of his high office and with the general good wishes of themselves and of foreigners domiciled or having interests here towards the new government, several American gentlemen who happened then to be temporarily in the city, * * * * *

and who were invited to the soirée, were all received there with marked attention by the President; special seats were reserved for them at table, a familiar American air was, without any previous knowledge or anticipation of it on our part, played for us by the band, and I was particularly requested by my colleagues present and by several of his intimate friends to propose the health of his excellency, with which request I, of course, complied.

I am, &c.,

EBENEZER D. BASSETT.

ITALY.

No. 388.

Mr. Wurts to Mr. Fish.

No. 472.]

LEGATION OF THE UNITED STATES,
Rome, September 7, 1873. (Received September 26.)

SIR: I have the honor to acknowledge the receipt of your instruction No. 395, dated August 11, 1873. At the present moment it is impossible to make an accurate return of the information you desire on this subject. I have, however, taken steps to ascertain it, having sent a copy of the instruction to the consuls throughout the kingdom, with a request for an early reply.

The last census taken in Italy, on January 1, 1872, doubtless contains a statement of the foreigners, resident and sojourning, in the country at that date, but it is not yet published. I have, nevertheless, addressed a note to the ministry of foreign affairs asking that an extract be made from it as regards American citizens and information in relation to them.

I have also sent to Mr. Marsh a copy of this instruction, and on his return to Rome, which will probably be before the receipt at the legation of the replies from the consulates, he will be able to give more information on the subject than is in the power of any one else. Mr. Marsh directs me to say that he has always reserved cases involving questions of naturalization for his own personal examination.

Only one case is known at this legation of a renunciation of American citizenship, made by an Italian by birth naturalized in the United States.

No record or registration is made at the legation of the birth of children born in Italy of fathers who claim to be American citizens. This registration is generally made at the American chapels, in cities where such exist, and in cases where the parents are Protestants. Neither American-born citizens, nor Italians naturalized in the United States, returning afterwards to their own country, give any notice to the legation of the birth of children, and rarely ask to be in any registered on our records as American citizens. We seldom hear of the naturalized Italians as such, unless when they or their children are called upon for military duty.

I have never known during my connection with this legation, which dates from the autumn of 1865, of any instance of American citizens having "the births of their children born out of the United States registered as those of subjects of the country in which they were born, or so as to entitle them to the option of claiming citizenship in that country."

I am, &c.,

GEORGE W WURTS.

No. 389.

Mr. Marsh to Mr. Fish.

No. 481.]

LEGATION OF THE UNITED STATES,
Rome, November 29, 1873. (Received December 23.)

SIR: Your telegram relating to the protection of American citizens at Madrid arrived at Rome late in the night between Sunday and Monday last. It was brought to the office of the legation and to my house, but, through some misapprehension of the porters, was refused at both places, and was not communicated to us until Monday afternoon.

The minister of foreign affairs was then at the chamber of deputies, and the subordinate officers of that ministry did not think themselves authorized to act on our request; and as Mr. Visconti Venosta was engaged in attending and replying to an interpellation, it was impossible to see him until the adjournment in the evening. He then expressed himself as favorably disposed to the application, and gratified with the compliment to his government, but said he could not give a decisive answer until after consultation with Mr. Minghetti. His reply in the affirmative was received on Tuesday afternoon, and immediately communicated by telegraph both to the State Department at Washington and to the legation at Madrid.

I have, &c.,

GEORGE P. MARSH.

No. 390.

Mr. Marsh to Mr. Fish.

No. 486.]

LEGATION OF THE UNITED STATES,
Rome, December 31, 1873. (Received January 24.)

SIR: According to the usual custom of this court, the chiefs of mission accredited to the King of Italy have been individually received to-

day, the last day of the year, by His Majesty and by their royal highnesses the Prince and Princess of Piedmont. The King, in his usual gracious manner, desired me to communicate to the President his best wishes for his personal and official prosperity, and for the continued enjoyment of peace and plenty by the people of the United States.

Similar sentiments were expressed by their royal highnesses, the Prince and Princess of Piedmont; and I have no doubt that all these assurances of good will are entirely sincere.

I beg to be allowed to add my humble congratulations and best wishes for the President, his constitutional advisers, and the citizens of our country, which has been so signally prospered under their administration.

I have, &c.,

GEORGE P. MARSH.

No. 391.

Mr. Marsh to Mr. Fish..

No. 489.]

LEGATION OF THE UNITED STATES,

Rome, March 24, 1874. (Received April 20.)

SIR: The twenty-fifth anniversary of the accession of His Majesty, King Victor Emanuel II, to the throne of Italy occurred yesterday, the 23d of the month.

The chiefs of mission accredited to this court were received by the King individually, and not in a body, on the 22d, but as the audience was not public there was no joint action, and no formal address by the diplomatic corps. Some of the ministers had been instructed by telegraph or otherwise to convey to His Majesty the congratulations of their governments, but in general the ceremony was limited to the expression of the personal sentiments of the ministers, including, of course, assurances of the friendly sympathy of their respective governments and people.

On the 23d instant the King received deputations of congratulation from the two chambers of Parliament, from all the great bodies of state, from the army, from the provinces, and from the principal municipalities of the kingdom. There was a more than usual manifestation of feeling among all parties, and the evidence of the personal popularity of His Majesty, and of general satisfaction with the administration of his government, were as strong as ceremonial assurances accompanied with every token of real sincerity could make them.

I am, &c.,

GEORGE P. MARSH.

No. 392.

Count Zannini to Mr. Fish.

[Translation.]

LEGATION OF ITALY,

Washington, December 16, 1873. (Received December 17.)

SIR: Count Corti, in obedience to orders received from my government, had the honor to address your excellency by his notes of May 2,

June 9, and September 20 of the current year, requesting the government of the United States to be pleased, until the adoption of an international method of admeasurement, and by way of reciprocity, to admit into its ports Italian vessels admeasured according to the Moorson system, or English method, without subjecting them to any new admeasurement, the net register-tonnage given in the ship's papers being considered as equivalent to the net register-tonnage of American vessels.

Count Corti in his note of September 20 expressed the hope of seeing his proposal definitively adopted, and requested your excellency to be pleased to transmit to this legation a few copies of such instructions as might be issued in relation to this matter by the Treasury Department.

Having since then received no reply on this subject, I am obliged, in obedience to the orders of my government, to have recourse to your excellency's extreme kindness, and to reiterate this request. The date, on and after which Italian vessels may have been furnished with the new certificate of admeasurement, is the same as that of the royal decree, two copies of which Count Corti has already had the honor to transmit to your excellency, and on which the proposition made by my government is based.

I offer your excellency my warmest thanks in advance, and I avail myself of this occasion to renew to you the assurances of my very high consideration.

ZANNINI.

No. 393.

Count Corti to Mr. Fish.

[Translation.]

LEGATION OF ITALY,

Washington, April 27, 1874. (Received April 28.)

SIR: Your excellency is aware that public attention in the United States has for some time been seriously occupied with the subject of foreign vagrancy in this country, especially that of children, who are induced by false promises to leave their native land, and who are subsequently reduced to a condition of the utmost wretchedness. The Italian Parliament long since took this state of things into consideration, with a view to the complete suppression of this odious traffic. It has now just passed a law, which was promulgated December 21, 1873, whereby a number of acts connected with the matter are made criminal offenses, and corresponding penalties are provided therefor. It hopes by this means to prevent, or at least considerably to diminish, the traffic in question.

The efficacy of this law would, however, be considerably increased if foreign governments would co-operate in its execution.

I am aware of the difficulties which present themselves in these States when it seems desirable to extend the powers of the central government. I, nevertheless, feel confident that your excellency will be pleased to give some attention to this subject, in order to see if there is any means of coming to an agreement in relation to the matter. The government of the King would be happy to take into serious consideration any

proposition that the Government of the United States might think proper to make to it, either for the adoption of additional articles to the extradition treaty now in force between the two countries, or for any thing else.

I have, to this effect, the honor to inclose to your excellency the text of the law in question, and I beg you to accept the assurances of my very high consideration.

L. CORTI.

[Inclosure.—Translation.]

A law to prohibit the employment of children in vagrant occupations, December 21, 1873.

Victor Emanuel II, by the grace of God and the will of the nation, King of Italy.

The senate and the chamber of deputies have approved; we have sanctioned and promulgated the following:

ARTICLE 1. Whosoever shall intrust, or, under any pretext, shall deliver, to Italian^s or foreigners, persons of either sex who have not attained the age of eighteen years, although they may be his own children or wards; and whosoever, whether an Italian or a foreigner, shall receive them, for the purpose of employing them in the kingdom in any manner and under any title in vagrant occupations, as for instance in the capacity of mountebanks, performers of tricks, charlatans, strolling musicians or singers, rope-dancers, fortune-tellers, or expounders of dreams, explainers of the acts of animals, beggars, and the like, shall be punished by imprisonment for a term of from one to three months, and by a fine of from fifty to two hundred and fifty livres, (lire.) The sentence of condemnation includes, in the case of guardians, deprivation of their guardianship. The court may order guardians to be deprived of their rights as such, and parents to be deprived of their parental authority for such time as may be deemed proper in the interest of the children, according to articles 233 and 269 of the civil code.

ART. 2. Whosoever, within the kingdom, shall have with him, employed in the occupations specified in article 1, persons who have not attained the age of eighteen years, and who are not his children, shall be punished by imprisonment for a term of from three to six months, and by a fine of from fifty to five hundred livres. If the minor shall have been abandoned, or if, in consequence of deprivation of food or maltreatment, he shall have suffered serious injury to his health, or shall have been obliged to escape from the person who had charge of him, the imprisonment shall be for a term of from six months to one year, provided the offense do not render the person committing it liable to a more severe punishment.

ART. 3. Whosoever shall intrust or deliver, within the kingdom, or shall convey to a foreign country, for the purpose of intrusting or delivering them to Italians or foreigners, persons who have not attained the age of eighteen years, although his own children or wards; and whosoever, be he an Italian or a foreigner, shall receive such persons for the purpose of conveying, intrusting, or delivering them abroad, in order that they may be employed in any manner and under any title in the occupations specified in article 1, shall be punished by imprisonment for a term of from six months to one year, and by a fine of from one hundred to one hundred and fifty livres.

Guardians and parents who may be guilty of the offenses specified in this article shall be liable to the penalties provided in the second paragraph of article 1.

ART. 4. Italians in a foreign country who may have with them, employed in the occupations specified in article 1, Italians who have not attained the age of eighteen years, shall be punished by imprisonment for a term of from one to two years, and by a fine of from five hundred to one thousand livres.

Whenever it shall appear, from an investigation of the case, that the minor has been abandoned, or that, in consequence of deprivation of food or of cruel treatment, he has suffered serious injury to his health, or has been obliged to escape from the person who had charge of him, the term of imprisonment may be extended to three years, provided the offense do not render the person committing it liable to a still more severe punishment.

ART. 5. Whosoever shall, by violence or fraud, kidnap, or cause to be kidnaped, persons who have not attained the age of twenty-one years, or whosoever shall, by artifice or seduction, entice, or cause to be enticed, persons who have not attained the age of eighteen years away from their parents, guardians, or whomsoever may have the care or direction of them, for the purpose of employing them in the occupations

specified in article 1, shall be punished, in the case of violence or fraud, with reclusion for a term of from three to five years, if the persons kidnaped are to be so employed within the kingdom, and with reclusion for a term of from five to seven years if they are to be employed in a foreign country; and, in the case of artifice or seduction, with imprisonment for a term of from one to three years, if the persons enticed away are to be employed within the kingdom, and with imprisonment for a term of from three to five years if they are to be employed in a foreign country.

Whoever shall have under his control, either within the kingdom or in a foreign country, and employed in the occupations specified in article 1, persons who have not attained the age of eighteen years, who have been kidnaped by violence or by fraud, or enticed away by artifice or seduction, shall be liable to the same penalties, to be enforced in the minimum of their duration, according to the nature of each case.

ART. 6. In case the minor kidnaped or enticed away shall have been abandoned, or, in consequence of deprivation of food or of maltreatment, shall have suffered serious injury to his health, or shall have been obliged to escape from the person who had the control of him, the guilty party shall be punished, in the case of kidnaping by violence or fraud, with reclusion for a term of from five to seven years, if the abandonment or maltreatment shall have taken place within the kingdom, and with reclusion for a term of from seven to ten years, if the abandonment or maltreatment shall have taken place in a foreign country; and in case of enticement by artifice or fraud, with imprisonment for a term of from three to five years, if the act of abandonment or maltreatment shall have taken place within the kingdom, and with reclusion for a term of from three to seven years, if it shall have taken place in a foreign country.

In case the act shall in itself constitute a grave crime, the penalty provided for such crime shall be enforced, and never to the least extent provided by law.

If, before any legal steps shall have been taken, the guilty party shall voluntarily set at liberty the person who has been kidnaped or enticed away, without having injured or abused him, restoring him to his family or to the house and to the persons from whom he kidnaped or enticed him away, or putting him in a place of safety, the penalty of reclusion shall be mitigated to that of imprisonment for from one to three years, and the term of imprisonment shall be for from one to six months.

ART. 7. Not only shall the persons who may commit the crimes provided for in the foregoing articles be liable to the penalties therein provided, but also their accomplices.

ART. 8. Any contract, for intrusting or delivering in any manner, prepared for any of the purposes mentioned in articles 1 and 3, made either before or after the publication of the present law, is null and void, in whatever manner the purpose may be concealed or disguised, even though by means of intermediate cessions, either within the kingdom or in a foreign country.

ART. 9. It shall be the duty of parents, guardians, and of any one who may have intrusted or delivered persons under eighteen years of age to be employed in vagrant occupations, to give information or notice to the syndic of the commune in which they reside, or to the diplomatic or consular representative of the kingdom of Italy, if they are in a foreign country, concerning any of their children or wards who may be engaged either within the kingdom or in a foreign country in the occupations mentioned in article 1; and in case of their failure to do so within three months from the date of the publication of the present law, they shall be liable to a fine of from fifty-one to one hundred livres. In giving such information they shall state the full name, the age, and the birth-place of the minors, and of the persons to whom they were delivered and with whom they are, the place of their present and of their last residence, the occupation in which they are engaged, and any other information that may be of service in finding them.

ART. 10. Those who may have under their control, either within the kingdom or in a foreign country, persons under eighteen years of age engaged in vagrant occupations, shall be required, under penalty of a fine of from one hundred to five hundred livres, within four months from the date of the publication of this law, to report to the syndic of the commune where they reside, or to the diplomatic or consular representative of the kingdom of Italy, if they are in a foreign country, the names of such persons under eighteen years of age as they may have engaged in the said vagrant occupations. It shall be their duty at the same time to restore them to their families if they are within the kingdom, or to send them home at their own expense if they are in a foreign country; and, in case of their inability to do so directly, it shall be their duty, within the said term, to present them to the syndic or to the diplomatic or consular representatives of the kingdom, who will provide for their restoration to their families, or for the sending home of the said minors in the ways indicated in article 12.

ART. 11. It shall be the duty of syndics within the kingdom, and of representatives of the kingdom in foreign countries, within six months from the date of the publication of this law, to prepare an official list, according to the information obtained by them, of Italian minors in their respective communes or consulates who may be engaged within the kingdom or in foreign countries in the vagrant occupations men-

tioned in article 1. They shall avail themselves of the information provided for in articles 9 and 10, and shall complete the same so far as may be necessary; they shall collect and add any other information that may be useful, either for the restoration of the aforesaid minors to their families, or for sending them back to their own country, or for the penal effects of the present law.

ART. 12. The list shall be transmitted to the minister of the interior, and the syndics and the diplomatic and consular representatives of the kingdom shall at once make official provision for the restoration to their families of the minors whose names appear in the list, or for their return to their native country. The necessary expenses, if every other means at the immediate disposal of the said representatives of the kingdom are wanting, shall be anticipated by the state, with the exception of the reimbursement, *a carico solidale*, of the parents or guardians, detainers or employers.

ART. 13. If the minors referred to in the foregoing articles have neither parents nor guardians, nor any person who is able to take charge of their persons and of their education, they shall be placed in some public educational or industrial establishment until they shall have attained their majority, or shall have learned some trade or profession.

ART. 14. Proceedings to enforce the penalties provided in the present law shall be instituted by the public ministry, and in case of the absence of the party accused from the country, he may be tried in his absence. The first book of the penal code and the general rules concerning the competency of the judicial authorities are applicable to the offenses provided for in the present law, so far as they may not conflict with the provisions of said law. Verbal accounts, reports, letters, and other documents, although private, coming from a foreign country, may be read on the occasion of the trial.

ART. 15. The provisions of the present law shall take effect simultaneously with its publication. Those of articles 3 and 4, however, shall not take effect until the expiration of the four months allowed by article 10. Notwithstanding, if acts shall have been committed which render those committing them liable to punishment according to the penal code, the provisions of that code shall be enforced.

We order that the present law, bearing the seal of the state, be added to the official collection of the laws and decrees of the kingdom of Italy, and we command all whom it may concern to obey it and to cause it to be obeyed as a law of the state.

Done at Rome, December 21, 1873.

[SEAL.]

VICTOR EMANUEL.
VISCONTI-VENOSTA.

VIGILIANI, *Keeper of the Seal.*

No. 394.

Mr. Fish to Count Corti.

DEPARTMENT OF STATE,
Washington, May 4, 1874.

COUNT: I have the honor to acknowledge the reception of the note which you did me the honor to address to me, of the date of the 27th of April last, referring to the alleged vagrancy of Italian children, and the false inducements under which they are taken from their native land, and inclosing an act promulgated by the Italian Parliament on the 25th December last.

This government cordially unites with that of Italy in the hope that that government may, by the means of this act and the energetic enforcement of its most commendable determination to suppress the traffic in these poor children referred to in your note, succeed in arresting the very inhuman practices which the Italian government so strongly condemns.

With respect to your suggestion, that the efficacy of the law referred to would be considerably increased if foreign governments would co-operate in its execution, I am at loss to know how, practically, the co-oper-

ation of this government can be made available for the execution within Italian territory of a municipal law declaring punishments against internal offenses.

But if your excellency will suggest any mode within the proper functions of this government whereby it can aid in arresting the serious wrong against humanity which your government is aiming to terminate, its consideration will be entertained with every desire for the attainment of the object to which the efforts of your government are being directed.

I avail, &c.,

HAMILTON FISH.

No. 395.

Count Corti to Mr. Fish.

[Translation.]

LEGATION OF ITALY,
Washington, May 26, 1874. (Received May 29.)

SIR: The Italian minister of marine has just issued a circular fixing the relation existing between the Italian ton and the measures of capacity of foreign vessels.

I have received instructions from my government to transmit the inclosed copy to your excellency. You will thereby see that, although no treaty stipulations have been made on this subject between the two countries, vessels belonging to the United States receive precisely the same usage as Italian vessels.

I avail, &c.,

L. CORTI.

[Inclosure.].

[Circular.—Translation.]

MINISTRY OF THE MARINE.—DIRECTION OF THE MERCANTILE MARINE.—SECTION FIRST, No. 5041.

Table for the conversion of foreign units of capacity into Italian tons.

ROME, April 1, 1874.

TO CAPTAINS OF PORTS:

On and after the 1st of June next foreign units of capacity shall be converted into Italian tons according to the table contained in the present circular, and no longer according to the table referred to in article 24 of circular No. 7950, dated June 18, 1873.

S. DE. S. BON.

Table showing the relation existing between the Italian ton and the units of measurement used in the following countries.

Countries.	Unit of measurement used in each country.	Factor by which each foreign unit of measurement is to be multiplied.
America, United States of. (See remarks at end of table)....	ton	1.00
Austria-Hungary	do	1.00
Belgium	do	0.95
Do	last	1.81
Bremen	do	1.89
Denmark	ton	1.00
Do	last	1.92
England	ton	1.00
France	do	1.00
Germany	ton, (1,000 kilograms)	0.75
Do	last, (4,000 pounds)	1.50
Do	last, (5,200 pounds)	1.95
Do	last, (6,000 pounds)	2.25
Greece	ton	0.97
Hamburg	last	2.77
Holland	ton	0.89
Do	last	1.69
Lubeck	do	1.89
Mecklenburg	ton	1.09
Do	last	2.44
Norway	ton	1.00
Do	last	2.08
Oldenburg	ton	0.96
Do	last	1.50
Portugal	ton	0.88
Do	last	1.50
Principalities, United	ton	0.97
Russia	do	1.08
Do	last	1.89
Servia	ton	0.97
Spain	do	1.00
Sweden	do	1.00
Do	last	1.93
Turkey	ton	0.76

REMARKS.

If on board of a vessel belonging to the United States of North America there shall be a place having the properties mentioned in article 14 of the royal decree of March 11, 1873, the captain of such vessel may ask that the capacity of the place in question be deducted from the amount of tonnage specified in his register, such capacity to be determined in the manner prescribed by the aforesaid article 14 of the royal decree of March 11, 1873.

And if, on board of a vessel belonging to the same nation, there are spaces similar to those described in article 15 of the royal decree of March 11, 1873, the captain of such vessel may ask that the capacity of such spaces also (excepting those above the deck) be deducted from the amount of tonnage specified in his register, such capacity to be determined in the manner prescribed by articles 17, 19, and 20 of the royal decree of March 11, 1873.

No. 396.

Mr. Fish to Count Corti.

DEPARTMENT OF STATE,
Washington, June 5, 1874.

COUNT: I have had the honor to receive your note of the 26th ultimo inclosing a copy of the circular of the Italian minister of marine showing the relations existing between the Italian ton and the units of admeasure-ment used in the countries therein mentioned. Copies of the same, in translation, will be communicated to the Secretary of the Treasury.

I avail, &c.,

HAMILTON FISH.

No. 397.

*Mr. Fish to Count Corti.*DEPARTMENT OF STATE,
Washington, June 12, 1874.

COUNT: Referring to your note of the 26th ultimo, relative to the relations existing between the Italian ton and the units of admeasurement used in the countries named in the accompanying circular, and to my reply, I have the honor to transmit herewith a copy of a letter, under date of the 8th instant, received from the Secretary of the Treasury upon the subject.

I avail, &c.,

HAMILTON FISH.

[Inclosure.]

*Mr. Bristow to Mr. Fish.*TREASURY DEPARTMENT,
Washington, D. C., June 8, 1874.

SIR: I have the honor to acknowledge the receipt of your letter of the 5th instant, transmitting a copy of a note from the Italian minister, and of a circular issued by the Italian government, relative to the relations existing between the Italian ton and the units of admeasurement used in the countries therein named. The instruction of the Italian government in relation to vessels of the United States will be brought to the attention of the parties concerned, by this Department, through its officers charged with the duty of clearing vessels.

I have, &c.,

B. H. BRISTOW,
Secretary.

J A P A N .

No. 398.

Mr. De Long to Mr. Fish.

No. 380.]

UNITED STATES LEGATION,
Yokohama, April 21, 1873. (Received May 23.)

SIR: I have the honor to advise you that this morning I was called upon by one Capt. Benjamin Pease, who stated to me that he was an American citizen, resident at the Bonin Islands, where he had resided for the last three years. That he had come to me, at the request of a large portion of the residents of that group, to find out under what governmental protection the residents of that group of islands were, if under any whatever.

In answer to my further inquiries, he informed me that the group of islands commonly known and called the Bonin group, is composed of three large islands named Parry, Bonin, and Baily, and of a large number of unnamed smaller islands.

That one Captain Beachy, of Her Britannic Majesty's ship of war Blossom, took formal possession of the Bonin group in 1828, by planting a post on the land with a copper plate on it, engraved on which is the claim of the British authorities to the island.

That at the time Commodore Perry visited Japan and entered into a treaty with this people, his fleet rendezvoused for a period at this group, at which time an American naval officer, commander of the ship Ply-

mouth of that squadron, took formal possession in the name of the United States Government of Baily Island by hoisting an American flag thereon and saluting it. That the post and plate of the British and the flag of the American officer are still there. That nine years ago the Japanese government under the Tycoon sent an officer with some sixty families to the group and took formal possession in the name of Japan. That this officer took such lands as he desired from the foreign residents, giving them deeds, leases, &c., for the residue. That he summoned all of the foreign residents, and required them to sign a letter to the Tycoon thanking him for the privilege of residing there, which they did. That this rule lasted for about fourteen months, when all of the Japanese were recalled, and none have since been there.

That on Bonin Island there are twenty-five American residents, seventeen British residents, four French residents, and a number of Hawaiians, making in all, sixty-eight. That on Parry Island there is one American and one Hawaiian resident, and on Baily Island one American and one native of the Gilbert Islands.

That the group has an area of about one hundred and fifty square miles, the climate being very fine and the soil wonderfully productive, being specially well adapted to the raising of stock of all kinds. The fisheries are abundant, and the harbor of Port Loyd as fine and commodious as any in the world, having an inner harbor so secure that whale-ships have frequently been hove up there and repaired.

That there are about twenty-six children between the ages of five and sixteen living there wholly uneducated, as no one can be induced to locate there and teach, as the country is governed wholly by lynch law.

That frequent disputes arise, and no means of obtaining redress for wrongs exist.

That the harbor of Port Loyd is about four hundred and eighty miles from Yokohama, and about five hundred from Kobe; thus it is situated nearer to this than any other open port in Japan. Captain Pease further stated that the Japanese commission when there formally declared the whole group open to foreign settlement and trade. That he (Captain Pease) was now about to proceed to Hawaii to send out a large stock of cattle, but, in common with the other residents, wished, before embarking in any extensive business arrangements, to learn what laws they were subject to. In reply I have advised the captain that I would at once submit this inquiry to you for your instruction, requesting to know if the United States Government asserted any jurisdiction over or claim to the islands, and if not, if I should recognize the Japanese jurisdiction, (if still asserted,) and if so, whether I should appoint Captain Pease, or some other resident American, consular agent for the United States.

I therefore respectfully submit this statement to you for your instructions in the premises.

I have, &c.,

C. E. DE LONG.

No. 399.

Mr. Fish to Mr. De Long.

No. 200.]

DEPARTMENT OF STATE,
Washington, May 31, 1873.

SIR: Your dispatch No. 380, of the 21st ultimo, relative to the Bonin Islands, has been received. It has been ascertained that one, at least,

of the vessels composing Commodore Perry's expedition to Japan did visit those islands, and that the commander took possession of them on behalf of the United States. This step, however, has never been expressly sanctioned by Congress, and we are not aware that any other act of the Government has since taken place which would show a disposition to support the claim of the naval officer adverted to. If citizens of the United States have repaired to those islands for the purpose of taking up their abode, this has been done without any promise, express or implied, that this Government would protect them in their pursuits. By resorting to such remote spots on the globe's surface, under such circumstances, they may fairly be held to have deliberately abandoned the United States without a purpose of returning, and therefore to have relinquished the rights as well as the duties of citizens.

I am, &c.,

HAMILTON FISH.

No. 400.

Mr. De Long to Mr. Fish.

[Extract.]

No. 415.]

UNITED STATES LEGATION,
Yokohama, June 2, 1873. (Received July 5.)

SIR: I have the honor to advise you of the receipt by me this morning of a circular-note from the British minister to his colleagues, (inclosure No. 1,) forwarding copy of a dispatch sent by him to the minister for foreign affairs upon the subject of the recently-proclaimed shooting regulations, (inclosure No. 2,) with a draft of a code in lieu thereof, which he proposes, if agreeable to the Japanese authorities, to notify for the government of British subjects, (inclosure No. 3;) also, copy of Japanese regulations, with notes and comments of the British minister thereon, (inclosure No. 4;) and also copy of certain regulations promulgated by the British chargé d'affaires in 1871 against the unlawful use of fire-arms, (inclosure No. 5.)

* * * * *

By referring to my No. 411, with its inclosures, by this mail, in connection with this dispatch and its inclosures, you will be thoroughly advised as to the respective views entertained by the different foreign representatives.

I am, &c.,

C. E. DE LONG.

[Inclosure 1 in No. 415.]

Sir Harry Parkes to Mr. De Long.

HER BRITISH MAJESTY'S LEGATION,
May 31, 1873.

Sir Harry Parkes begs to circulate for the information of his colleagues the inclosed dispatch, which he addressed to the acting minister for foreign affairs on the 14th instant, on the subject of the shooting regulations. He also adds copies of three documents referred to in that dispatch.

Sir Harry Parkes has not yet received any acknowledgment of this dispatch from the acting minister for foreign affairs.

1. Draft of shooting regulations as at present proposed.
2. Notes on Japanese shooting regulations.
3. Shooting regulations notified by H. M. chargé d'affaires, August 11, 1871.

[Inclosure 2 in No. 415.]

Sir Harry Parkes to Japanese minister for foreign affairs.

BRITISH LEGATION, Yedo, May 14, 1873.

SIR: I have received your excellency's dispatch of the 25th of March, communicating copies of the revised "Regulations for shooting birds and beasts," which have recently been enacted by the Japanese government for their own subjects, and I understand it to be the wish of your excellency's government that similar regulations should be enforced in the case of foreigners. It appears that in notifying these negotiations to the Japanese people, the local Japanese authorities at the open ports received instructions to communicate them to the foreign consuls as regulations which were already applicable to foreigners as well as Japanese; consequently, in a note of the 18th March, Her Majesty's chargé d'affaires pointed out to your excellency that this course was altogether invalid and that these regulations as they stood could not be made applicable to Her Majesty's subjects.

In your reply to this note, dated the 18th of March, your excellency observed that these regulations were intended to "secure the more thorough execution of an ancient law of this country, and after revision and correction, they were publicly notified on the 20th day of January last. As an additional means of drawing the attention of your countrymen to them they were inclosed in a letter from this department dated the 2d February, and a similar communication having been sent to the open ports, our local authorities requested the consuls to notify them to British subjects."

In view of these observations it appears to me necessary to point out to your excellency that Her Majesty's consuls can take no steps of this kind. The power to enact and notify regulations for the governance of Her Britannic Majesty's subjects in Japan is vested solely in Her Majesty's minister.

I found that although the modification in the Japanese regulations, suggested to your excellency, on the part of the diplomatic corps, by the United States minister, have not been entirely adopted by your excellency, my colleagues, the representatives of the treaty powers, nevertheless concur in considering that the revised Japanese shooting regulations are, on the whole, reasonable, and as I share that opinion I am quite willing to issue regulations to British subjects which shall embody the substance of the Japanese regulations and secure the enforcement of the penalties therein named. In order, however, to do this in a form suited to English legal requirements, it is necessary that I should change the arrangements and the wording of the Japanese regulations, and in the interview that I had with your excellency on the 3d instant I handed you a draft showing how this may be done.

I then pointed out that this draught should read in connection with the notes which I had attached to a copy of the Japanese revised regulations, and also in connection with the shooting regulations, which, after being approved by the Queen, were published by Her Majesty's chargé d'affaires in August, 1871.

It will thus be seen that Her Majesty's government have given the government of Japan an early proof of their desire to meet the views of the latter in this respect.

Before proceeding to issue a second set of shooting regulations to British subjects, I should like to learn from your excellency whether the draught above referred to affords you satisfaction.

I have only to add that I regret that the Japanese regulations do not forbid the snaring of game or the selling it in the close season. With such omissions these regulations will fail to promote the preservation of game, and they bear the appearance of having been framed for the minor object of collecting license fees.

I avail, &c.,

HARRY S. PARKES.

[Inclosure 3 in No. 415.]

Draft of regulations as at present proposed by Her Britannic Majesty's minister.

1. The word "game" shall, for the purpose of these regulations, mean any bird or beast not being a domestic animal.

2. Any British subject who shall kill or take any game, or use any dog, gun, net, or other engine or instrument for the purpose of killing or taking any game between the 31st of March and the 1st day of November in any year, shall be deemed guilty of an offense, and, upon conviction thereof before any British consular or other court,

shall be liable to imprisonment for any time not exceeding twelve days, with or without a fine not exceeding \$12, without imprisonment.

3. Any British subject who shall kill or take any game without having obtained a license so to do for the current year, shall be deemed guilty of an offense, and, upon conviction thereof before any British consular or other court, shall be liable to imprisonment for any term not exceeding twenty days, with or without hard labor, and with or without a fine not exceeding \$20 without imprisonment.

4. If any British subject shall be discovered killing or taking any game, or using any dog, gun, net, or other engine or instrument for the purpose of killing or taking any game, it shall be lawful for any person to demand or require from such British subject the production of a license to kill game, issued to him, and such British subject is hereby required to produce such license to the person so demanding the production thereof, and to permit him to inspect the same; and if such British subject shall, after such demand made, willfully refuse to produce and show a license to kill game, issued to him, or if he shall produce any false or fictitious license not issued to him for the current year, or if he shall refuse to permit any license which he may produce to be inspected, he shall be deemed guilty of an offense, and, upon conviction thereof before any British consular or other court, shall be liable to imprisonment for any term not exceeding twelve days, with or without hard labor, and with or without fine not exceeding \$12 without imprisonment.

5. Any British subject convicted under these regulations, or under the shooting regulations of the 17th day of August, 1871, shall, in addition to any other punishment inflicted on him, forfeit his license for the then current year.

6. Any British subject who shall, with intent to destroy any game at any time, put, or cause to be put, any poison on any ground where game usually resort, or in any highway, shall be deemed guilty of an offense, and, upon conviction thereof before any British consular or other court, shall be liable to imprisonment for any time not exceeding twelve days, with or without hard labor, and with or without a fine not exceeding \$12, or to a fine not exceeding \$12 without imprisonment.

[Inclosure 4 in No. 415.—Government Gazette No. 10, January 20, 1873.]

Japanese regulations for hunting birds and beasts, with critical notations of British minister.

Regulations for controlling the issue of licenses to hunt birds and beasts having been enacted, as shown in the accompanying document, you will publish them everywhere throughout the limits of your jurisdiction.

If any persons apply for licenses you will ascertain what standing they possess, and also whether there is any obstacle in the vicinity. Should there be no objection you will issue a license to hunt birds and beasts, and be careful to exercise proper control.

The tax upon hunting which has hitherto been levied is now abolished, and these regulations are substituted for rule 6 of the rules promulgated in No. 28, with reference to the possession of fire-arms.

Item. You will ascertain the names of places wherein hunting birds and beasts has hitherto been permitted, and report to the treasury by the month of July, reporting also to the war office upon those wherein hunting with fire-arms is permitted.

NOTE.—You will also draw up a report with the object of prohibiting hunting in places where, though permission has been granted, there may be objections on the part of the inhabitants, and send it in the same way as directed in the text.

Item. You will draw up an annual report of the names of persons who have been licensed to hunt birds and beasts, whether under the former regulations or the new, and report to the treasury by the month of December, reporting the names of those who hunt with fire-arms to the war office also.

Item. The license tax will be paid into the treasury on each occasion of its collection, and you will send in also to that department, in December of each year, a register showing the persons licensed for the year. The total is to be inserted in the miscellaneous-taxes statement, and added on to the account of annual taxes paid.

Item. Each person who applies for a new license shall pay the whole amount of the tax for one year, whether he apply early or late.

Item. A report showing the fines levied during the whole year, and the particulars of each case, shall also be sent in to the judicial board.

Item. The form of licenses must be complied with, and specimens of the brand and half stamps henceforth in use, sent in to the treasury.

Item. When persons to whom licenses have been granted under the old system obtain new licenses under these regulations, having paid the old tax, the same shall be returned to them, and they shall pay the tax according to the new scale.

Regulations for hunting birds and beasts.

ARTICLE I.

Unnecessary as far as British subjects are concerned.

Persons who make their livelihood by hunting birds and beasts with fire-arms are considered professional hunters; those who do it for pleasure being sportsmen.

ARTICLE II.

This is provided for by regulation III.

It is henceforth forbidden for any unlicensed person to hunt with fire-arms, but the local authorities may grant special license for the purpose of frightening or killing noxious birds and beasts, as circumstances may require.

ARTICLE III.

This is provided for by regulation IV.

Both professional hunters and sportsmen shall send in applications to the local authorities, stating their name, residence, standing, and age, and having obtained a license, shall invariably carry it with them when they go hunting.

ARTICLE IV.

This is provided for by regulations III and IV.

The hunting license shall be for the use of the individual alone, and shall only have effect during one year; the license shall be renewed in the eleventh month of each year.

ARTICLE V.

(5 and 6.)
These are conditions of obtaining the licenses, and need not come into the regulations.

When a license is issued a professional hunter shall pay a tax of one yen; a sportsman a tax of ten yen.

ARTICLE VI.

See Article V.

Licenses shall be prepared and granted by the authorities of each locality in one of the accompanying forms, and the same procedure shall be observed when a fresh application is made in the following year.

ARTICLE VII.

This is met by Regulations III and IV of draught.

It is forbidden either to borrow, lend, or sell a license.

ARTICLE VIII.

Unnecessary.

Persons who lose a license or find one shall immediately report the fact to the local authorities.

NOTE.—The loser shall be dealt with according to the law concerning the loss of passports.

ARTICLE IX.

These form part of the conditions of obtaining the license, and need not come into the regulations.

Licenses shall not be issued to the following classes of persons:

Young persons under fifteen years of age.

Persons unacquainted with the use of sporting-guns.

Persons who are idiotic, mad, or otherwise incapable.

Persons who have been punished for discharging bows or fire-arms without cause.

Persons who act as guardians of woods, fields, rivers, &c.

Persons who, having been punished for the infraction of any of the rules relating to hunting, shall not have obeyed the sentence imposed for the previous infraction.

ARTICLE X.

Provided for, so far as is reasonable, by the shooting regulations of August 17, 1871.

Hunting with fire-arms shall not be carried on in any of the places specified below:

Within a distance of 600 yards of places crowded with houses, and in places where, although rural districts, there is danger of the shot flying wild and injuring human beings.

Places where a notice prohibiting hunting is posted up.

Inside other persons' dwellings or inclosures.

ARTICLE XI.

Unnecessary.

The fire-arms to be used in hunting are Japanese firelocks, carrying a ball of 4.8 momme, (about $\frac{1}{2}$ ounce avoirdupois,) and European sporting-guns. It is forbidden to hunt with small-arms used in war.

Persons who possess sporting-guns must observe the regulations enacted for the control of fire-arms.

ARTICLE XII.

Obvious, without a distinct regulation.

It is strictly forbidden to trample down the crops in the fields, or to injure the trees, even in places where hunting is not forbidden.

ARTICLE XIII.

Provided for by regulation II.

The period for hunting with fire-arms shall be from the 1st of November to the 31st of March, and going out hunting except within those limits is prohibited.

NOTE.—According to the lay of the land, these limits may be extended, or in places far removed from human dwellings they may be entirely dispensed with.

ARTICLE XIV.

Covered so far as is reasonable by regulation IV.

Municipal officers, policemen, landlords, and guardians of woods, fields, rivers, &c., shall have the right of inspecting the license carried by a person hunting with fire-arms. Any person refusing to allow his license to be inspected shall be considered as not possessing a license.

In case of infraction of any of these regulations the guilt of the offender shall be determined according to the statements of the above-mentioned classes of persons, but other evidence will be admissible in cases difficult of decision.

ARTICLE XV.

Unnecessary as a regulation.

It is not necessary to arrest an offender on the spot, or to take away his hunting-gear at once. If he be in possession of a license, the number thereof and his name should be ascertained and reported. If he be without a license, he should be requested to give his name and residence, and he should be accompanied home, in order that his home may be identified.

Should he conceal his features or refuse to give his name, or when his residence and home cannot be ascertained, he should be accompanied to the nearest police-office, in order that his standing may be inquired into.

ARTICLE XVI.

Doubtful whether this can be admitted while the Japanese refuse to pay fees in a British court.

When an information is laid at the office of the authorities concerning a person who has hunted with fire-arms, the expenses connected with the case shall be paid by the person who is adjudged to be in the wrong, in accordance with the general sense of public proclamation.

ARTICLE XVII.

This is a direction to the fining magistrate, and need not be made imperative.

Fines for second offenses should be double those inflicted for first offenses. A second offense committed against any regulation, within twelve months from the date of a first offense.

ARTICLE XVIII.

Provided for, as to deception, by the regulations, and as to violence, by the common law.

Any person guilty of deception or violence in connection with an infraction of these regulations, shall be punished, in accordance with the code, in proportion to the gravity of the offense.

ARTICLE XIX.

Provided for by the common law.

Any person causing loss or injury to another through infraction of any of these regulations, shall be compelled to indemnify him.

ARTICLE XX.

Provided for by regulation V.

Any person committing an infraction of these regulations, no matter what the nature of the offense, shall forfeit his license and be punished in addition.

ARTICLE XXI.

Provided for by regulation III.

Any person who hunts without a license shall be condemned to a fine of not less than 5 yen, and not more than 20 yen.

ARTICLE XXII.

Unnecessary; the game would be valueless before the court could decide as to violation.

The birds or beasts obtained in violation of these regulations shall be confiscated.

ARTICLE XXIII.

Provided for by regulation VI.

It is forbidden to hunt by using bait or drugs intended to kill or stupefy birds or beasts.

Penalties provided for by each regulation separately.

Nature of offense.	Fine on a professional hunter.	Fine on a sportsman.
A person who has a license but does not carry it.	20 yen.	1 yen.
A person who hunts with a license lost by another.	2 yen.	12 yen.
A person who hunts in a place where hunting is forbidden	1. 40 yen.	6 yen.
A person who hunts during the close season.....	2 yen.	12 yen.
A person who lends or sells his license.....	2 yen.	12 yen.
A person who borrows or buys a license.....	1. 40 yen.	6 yen.
A person who hunts with baits, &c., intended to kill or stupefy birds or beasts.....	2 yen.	12 yen.

[Inclosure 5 in No. 415.]

BRITISH MINISTER'S NOTIFICATION TO HIS COUNTRYMEN.

The Japanese government having applied to Her Britannic Majesty's minister and to the representatives of the other treaty powers to establish regulations which shall prevent the improper use of fire-arms, or the pursuit of game by foreigners near to temples or to the dwellings of the people or in inclosed preserves :

Her Majesty's minister, in pursuance of sections 85, 86, and 90 of the order of Her Majesty in council of the 9th day of March, 1865, and by virtue of any other power enabling him in that behalf, made and established the following two regulations, which having been approved by Her Majesty, and such approval having been signified to the undersigned through the right honorable the Earl Granville, K. G., Her Majesty's principal secretary of state for foreign affairs, are hereby published for the information of Her Majesty's subjects, and will take effect in each consular district in Japan one month from the date of publication and exhibition therein in the manner provided by the order in council aforesaid :

I. Whoever shall willfully and without reasonable cause discharge any gun, rifle, pistol, or other fire-arm within the limits of any city, town, village, or hamlet, shall be deemed guilty of an offense, and upon conviction thereof, before any British consular or other court, shall be liable to imprisonment for any term not exceeding one month, with or without hard labor, and with or without a fine not exceeding \$100, or a fine not exceeding \$100 without imprisonment.

II. If any person shall enter or be upon any inclosed lands kept by the Japanese government or their agents or lessees, or any other person duly authorized thereto, as a game preserve, or shall enter or be within the boundaries of any temple, sanctuary, place of worship, or burial in search or pursuit of any game, whether beast or bird, such person shall be deemed guilty of an offense, and on the conviction thereof, before any British consular or other court, shall be liable to imprisonment for any term not exceeding one month, with or without hard labor, and with or without a fine not exceeding \$100, or a fine not exceeding \$100 without imprisonment.

F. O. ADAMS,

Her Britannic Majesty's Chargé d'Affaires in Japan.

HER BRITANNIC MAJESTY'S LEGATION,

Yedo, August 17, 1871.

No. 401.

Mr. De Long to Mr. Fish.

No. 439.]

LEGATION OF THE UNITED STATES,
Yokohama, July 5, 1873. (Received August 7.)

SIR : I have the honor to inform you that this morning I received a note from one William H. Doyle, an American citizen, resident here,

regarding the rights and privileges of Americans resident in this empire. (Inclosure No. 1.)

I immediately replied, (inclosure No. 2,) informing him that before giving him the desired information I should refer the matter to you.

Respectfully awaiting instructions, I have, &c.,

C. E. DE LONG.

[Inclosure 1 in No. 439.]

Mr. Doyle to Mr. De Long.

No. 224 BLUFF, YOKOHAMA, JAPAN,
July 5, 1873.

SIR: Permit me, most respectfully, in behalf of myself and others interested therein, to beg the favor of an early answer to the following questions:

1. Is a citizen of the United States of America residing in Japan at liberty to surrender his extraterritoriality privileges as *such citizen*, and become subject to the municipal laws of Japan, in order to reside in the interior of Japan and outside of the settlements appointed by foreign residents and occupancy, and provided the government of Japan will permit such citizen so to reside in and be subject to the laws of Japan?

2. Is there any law or regulation of the United States government making it compulsory for the United States citizens residing in Japan to submit to the extraterritoriality jurisdiction of the United States government in Japan?

3. Should the government of Japan permit such citizen to live on the territory of Japan as an alien subject, subject to their laws by his own choice and election, in the same sense that a Japanese subject resides in America, is there any law of the United States to permit it, or would he forfeit his rights of citizenship in the United States?

I beg your excellency will make no objection to enlighten us on these points, and trust that you will pardon us the liberty I take in troubling you so much.

I have, &c.,

WM. H. DOYLE.

[Inclosure 2 in No. 439.]

Mr. De Long to Mr. Doyle.

No. 168.]

UNITED STATES LEGATION IN JAPAN,
July 5, 1873.

WILLIAM H. DOYLE, Esq.:

Your note of this date is at hand. The questions you propose to me are rather beyond my province to advise you about, at least until after I shall have obtained the views of my Government. In the absence of any instructions, if called upon to act officially, I should hold any American citizen found upon Japanese soil as subject to the jurisdiction of American laws and American officers, and entitled to American protection, while the doctrine of extraterritoriality remains in force in our treaties with Japan. The American citizen here carries with him the protection of American law wherever he goes; this privilege must be conditioned upon his being subject to the duties our laws enjoin upon him, at least until our Government has in some way been consulted and expressed its consent to withdraw this protection and release the individual from his obligations.

This view is concurred in by my colleagues, the representatives of the other treaty powers, and is enforced by them on their people here. I will, however, submit your inquiry and a copy of my reply to the Secretary of State for instruction, and when his reply thereto is received I will at once communicate with you.

I am, &c.,

C. E. DE LONG.

No. 402.

Mr. Davis to Mr. De Long.

No. 207.]

DEPARTMENT OF STATE,
Washington, July 22, 1873.

SIR: I inclose herewith, for your information, a copy of an instruction of the 21st ultimo, No. 408*, addressed by this Department to General Schenck, the minister of the United States at London, in regard to a provisional arrangement proposed by the Japanese government to that of His Majesty the King of Italy.

You will consequently, in an interview with the minister for foreign affairs, apprise him of the views of the President upon the subject as expressed in the instruction referred to.

I am, &c.,

J. C. B. DAVIS,
Acting Secretary.

No. 403.

Mr. Davis to Mr. De Long.

No. 212.]

DEPARTMENT OF STATE,
Washington, August 21, 1873.

SIR: Referring to your No. 439, of the 5th ultimo, in which inquiry is made as to whether a citizen of the United States residing in Japan is at liberty to surrender to that government his privileges of extraterritoriality, I have to state in answer that, as an American, he cannot alter treaties existing between the two countries, but he can expatriate himself if he wishes so to do.

I am, &c.,

J. C. B. DAVIS,
Acting Secretary.

No. 404.

Mr. Hunter to Mr. Bingham.

No. 5.]

DEPARTMENT OF STATE,
Washington, September 6, 1873.

Referring to Mr. De Long's dispatch of the 2d of June, No. 415, upon the subject of hunting regulations established by the Japanese government, I have to request you to examine those regulations and to report whether, in your opinion, there is anything contained therein which conflicts with the privileges secured by treaty to American citizens in Japan.

I have, &c.,

W. HUNTER,
Acting Secretary.

* See "Foreign Relations" for 1873, Part 1, page 382.

No. 405.

Mr. De Long to Mr. Fish.

No. 477.]

UNITED STATES LEGATION IN JAPAN,
Yokohama, September 22, 1873. (Received October 23.)

SIR: Since the date of my last dispatches, His Royal Highness the Duke of Genoa has been entertained by His Majesty the Emperor as his guest.

Among other entertainments a grand review of the troops at Yedo was held, at which I had the honor of being present by invitation. Some seven thousand troops were reviewed, mainly of the line, all armed, drilled, and uniformed in foreign style. They executed their various evolutions to the surprise and gratification of all the foreigners present.

After the review was over we proceeded to the Castle grounds, where the Emperor descended from his carriage and promenaded for an hour or two with us on foot. He was dressed throughout in foreign uniform, as were also his officers of the household. No guards or soldiers of any sort were in or about the Palace grounds. After the promenade His Majesty entertained us at breakfast in a pavilion in the grounds. The table was set and the meals served throughout in foreign style. While we were discussing the meal a band of Japanese musicians, thirty in number, dressed in scarlet uniform, discoursed foreign airs on foreign instruments. The band was equipped in all respects like the band of the British tenth regiment formerly here.

I have detailed these particulars to attract your attention to the remarkable change between the customs of this court as they were when I arrived here and as they now are.

On the 13th instant his excellency Iwakura Tomomi returned via Shanghai on board the American steamer *Golden Age*. He was received with great enthusiasm by the government and the people.

The second day after his arrival he sent me a very polite invitation to breakfast with him, which I was prevented from accepting by the very severe illness of one of my children. Whereupon he sent me a very kind expression of his feelings. A few days subsequently, in company with Mr. Rice, I called upon him. He received me with the greatest cordiality, and expressed in a heartfelt manner his deep sense of obligation to the government and people of the United States for the extreme courtesy which marked his reception and treatment while there. He also honored me by expressing his warm personal and official regards.

The general news of the country is somewhat unimportant. A general state of quietness prevails, and the prospect for abundant crops is a fair one.

The Dutch minister, having gone away for a short time, has confided the business of his legation temporarily to my charge.

I am, &c.,

C. E. DE LONG.

No. 406.

Mr. De Long to Mr. Fish.

No. 479.]

UNITED STATES LEGATION IN JAPAN,
Yokohama, October 1, 1873. (Received November 4.)

SIR: I have the honor to inform you that during the month of May last Rev. James H. Ballagh, a missionary of the Reformed Church of

America, called upon me and invoked my assistance to obtain the release of a Japanese subject named Ytgana Ito, who had been arrested and imprisoned on account of his having become a convert to Christianity. Considering this to afford an excellent opportunity for putting to the test the recent assurances these authorities had given me that Japanese subjects should no longer be punished for professing Christianity, I addressed a note on the 25th of May to the minister, calling his attention to the subject, and requesting the release of the prisoner, (inclosure No. 1.) I am happy to inform you that my efforts proved successful, and that he was released, and his release announced to me in a note by the minister, (inclosure No. 2.) This I communicated to the Rev. J. H. Ballagh by note, (inclosure No. 3,) and in reply received a note of praise and thanks, (inclosure No. 4.) It affords me considerable pleasure to advise you of this circumstance, in proof that I have been as ready to serve the cause of Protestantism as that of Catholicism.

I am, &c.,

C. E. DE LONG.

[Inclosure 1 in No. 479.]

Mr. De Long to minister for foreign affairs.

No. 43.]

UNITED STATES LEGATION, JAPAN,
May 25, 1873.

SIR: Rev. J. H. Ballagh, an American gentleman, has, in an unofficial manner, called my attention to the fact that during the month of April, 1871, a Japanese named Ytgana Ito was arrested by your local authorities at Nagasaki, and imprisoned in the province of Checkuzen, and that he is now in confinement at the she ho sho, in the city of Yedo. This young man, it seems, was the private teacher of a foreign gentleman at Nagasaki, and a resident at his house. The true and only reason for his arrest, it is claimed, is the fact that he became a convert to and a professor of the Christian religion; at all events, no other cause is known to have existed for this action. As I have been assured repeatedly by Mr. Sayslunia that all persons heretofore arrested for this cause should at once be discharged from arrest and allowed to return to their houses, I presume that this individual case has been accidentally overlooked. I should hail with great pleasure the proof of good faith on your part which the immediate release of this man would furnish to the Christian world. He being in the city of Yedo, it will be in your power to at once investigate the cause of his arrest and take the proper action. I feel authorized to call your attention to this matter by the fact that I have been given the assurance mentioned, which, having been communicated to all of the governments I have the honor to represent, I wish also, by obtaining the release of this man, to prove to the satisfaction of these same governments the entire readiness of His Majesty's authorities to execute fully all that has been promised.

I have, &c.,

C. E. DE LONG.

His Excellency UYENO KAGWARI,
Second Assistant Minister for Foreign Affairs.

[Inclosure 2 in No. 479.]

Minister of foreign affairs to Mr. De Long.

[Translation.]

FOREIGN OFFICE, TOKEL,
20th of Ninthmonth of 6th year, Muji.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your dispatch bearing date of the 25th of May, 1873, and stating that Ytgana Ito had been arrested at Nagasaki. In reply I have to state that, upon inquiries made of the proper authorities on the subject, I found that he had been already released.

With respect and consideration,

SAYESHMIA TONEOMI,

His Imperial Japanese Majesty's Minister for Foreign Affairs.

Hon. C. E. DE LONG,

*Envoy Extraordinary and Minister Plenipotentiary
of United States of America in Japan.*

No. 407.

Mr. De Long to Mr. Fish.

No. 482.]

UNITED STATES LEGATION, JAPAN,
Yokohama, October 5, 1873. (Received Nov. 4.)

SIR: I have the honor to inform you that some weeks since my German colleague, Baron Von Brandt, forwarded unofficially to me for consideration a draft of regulations which he proposed submitting to his colleagues for consideration, and subsequently to this government, for the government of foreigners traveling or doing business in the interior of this empire, (inclosure No. 1.) Subsequently, at a meeting of the diplomatic corps, these regulations were considered, when it was resolved to address this government a joint note upon the subject of opening the country freely to foreign trade and travel, and at the same time to submit a plan therefor in the form of a code of regulations.

This course of action was followed, and on the 27th of last month we addressed and forwarded a print letter on the subject, (inclosure No. 2,) and also a code of proposed regulations, (inclosure No. 3.) To this letter no reply has as yet been received, but it is believed by us all that in a few days' time we shall be able to agree with this government upon a plan nearly, if not quite, similar to the one we have proposed, and that Japan in a few weeks will be declared open to foreign trade and travel.

I regret my inability to assist in concluding this interesting business.

I am, &c.,

C. E. DE LONG.

[Inclosure 1 in No. 482.]

Draft of regulations.

ART. 1. Foreigners not in the employ of the Japanese government, wishing to travel in the interior, must address themselves, through their legations or consulate, to the Japanese authorities in order to obtain a passport. The foreign officer at Tokei, and the Kenrei, or their assistants, will be authorized to issue passports.

ART. 2. To dismissed or disabled seamen, and foreigners without means of livelihood, or having suffered a condemnation for crime or misdemeanor, or for the ill-treatment of Japanese, permission to travel in the interior will not be granted, and the foreign legations and consulates will not present any demand in favor of such persons.

ART. 3. Every foreigner, before obtaining a passport from the Japanese authorities, will have to deposit with them the sum of \$300. Only the paid officials of the foreign legations and consulates, merchant consulates excepted, will be exempt from this obligation. This sum will serve to reimburse the Japanese government any expenses which may have been occasioned to them by the misbehavior of the foreigner, necessitating his arrest and transport to the nearest consulate of his nation.

ART. 4. The deposit will be returned to the foreigner ten days after he has handed back the passport to the Japanese authorities, unless claims have been presented against him in the interval, in which case the deposit will be held back until a decision has been given by the proper authorities. A deduction of \$10 will be made from the above-mentioned deposit for every day the foreigner has retained the passport over and above the time for which it has been issued, and a deduction of \$50 will be made in case the passport has been lost.

ART. 5. Foreigners being found without a passport in the interior will be subject to arrest by the Japanese authorities and to a fine of \$100 first, and of \$500 in every subsequent case.

ART. 6. The Japanese government will take the necessary steps to prevent foreigners from going outside of the treaty limits without first informing the consul of their nation of their intention to do so, as well as of the place where they are going to reside. Any infringement of this rule by a foreigner will be punishable by a fine not exceeding \$100.

ART. 7. The passport must show, besides the name and a full description of the person to whom it is granted, the part or parts of Japan the bearer will be allowed to travel, and the time for which it has been issued. The annexed copy shows the form adopted.

ART. 8. Foreigners traveling in the interior will be at liberty to make contracts or buy merchandise, and have the merchandise bought or contracted for carried to one of the open ports without having to pay higher tolls or dues than those to be paid by Japanese merchants; but they will not be allowed to take goods into the country for sale or for samples. Sample-books, or samples of a size that they can be conveniently carried by a person on their body, are excepted from this prohibition.

ART. 9. Every foreigner traveling in the interior will have to observe all municipal laws and regulations referring to the use of roads, vehicles, &c., the use of fire-arms, or the right of fishing or shooting. He will have to pay the same road, ferry, &c., tolls as the Japanese, but he will be exempt from any local or other taxes.

ART. 10. In all claims of a Japanese against a foreigner arising on questions of boat, horse, or other means of transport and coolie-hire, of payment for board and lodging, or of a similar kind, the claim having originated outside of the treaty limits, and the foreigner being himself outside of said limits, the local Japanese authorities shall have the right to hear and summarily decide such claims. In every case, however, the local Japanese authorities will be bound to forward a full report of the case to the foreign office, so as to enable the latter to judge and decide any reclamations against the former decisions which might be presented to them by the proper foreign authorities.

ART. 11. Foreigners having, while traveling in the interior, committed a crime, or being guilty of indecent or riotous conduct, will be arrested by the Japanese authorities and brought to the nearest open port or place, where they will be handed over to the consul of their nation.

ART. 12. The Japanese government engage to take the necessary measures to prevent cruelty or undue severity being shown in the arrest and transport of foreign offenders.

ART. 13. The expenses arising from such arrest or transport will, in case of the guilt of the foreigner, be made good to the Japanese government out of the sum deposited by the offender at the receipt of his passport, or in case he should be without a passport the judgment will provide for the repayment of their expenses to the Japanese government.

ART. 14. The provisions of this arrangement will take effect on and from ———.

[Inclosure 2 in No. 482.]

Letter of the foreign representatives.

YEDO, September 27, 1873.

In your excellency's reply of the 7th ultimo to the note identique of the foreign representatives of the 26th July on the subject of foreigners traveling in the interior of Japan, your excellency was so good as to assure the latter that on the return of his excellency Iwakura, the ambassador plenipotentiary, who was expected to arrive here in three or four weeks, your excellency would be glad to consult the foreign representatives as to the regulations and measures which might best suit the convenience of their respective governments in regard to the question above named. As the ambassador plenipotentiary arrived in Yedo on the 13th instant, the undersigned feel that your excellency will now expect them to recur to this subject.

In order, therefore, to commence the discussion on which your excellency is doubtless prepared to enter, and in accordance with the assurance contained in the note identique of the foreign representatives of the 26th July, that they are quite prepared to establish rules for the governance of their countrymen while in the interior, which shall effectually guard against disorder or public inconvenience, the undersigned now beg to place before your excellency a draught of regulations which they agree in considering to be well adapted to this end, and which they now wish to discuss with your excellency. In doing so they should observe that there are some points connected with these arrangements which the undersigned have not thought it necessary to specify in this draft of regulations, but upon which it is important that a clear understanding should be arrived at. Thus they consider that neither the members of the legations or of the consulates should be required to deposit security on applying for passports. The immunities which attach to members of the legations are so clearly laid down in international law, that no question can arise as to what is suitable in their case, and the undersigned consider that, in view of the position of consular officers in Japan, the same principles might in courtesy be applied to

them in regard to travel in the interior. In exercising the power of arresting foreigners, which would be given to the Japanese authorities, under the circumstances named in these regulations, it seems desirable to point out that by ill-usage and undue severity, the undersigned mean such practices as beating the prisoners, binding them with cords, or providing them with unwholesome accommodations or bad food. The use of force of the kind named must surely be unnecessary in the case of foreigners traveling singly or in small parties in the interior of Japan. The undersigned also consider that forcible arrest should not be unnecessarily resorted to. It can only be needed when the foreigner refuses to proceed with the Japanese officers to the nearest treaty port, and it may be presumed that he would seldom aggravate his offense by committing the additional one of offering resistance to the officers. In conducting a foreigner in custody from the interior to a treaty port, in order that he may be prosecuted before his consul, the Japanese officers should be careful to bring with them such evidence as would be necessary to prove the charge. It is possible that other points may occur to the undersigned as worthy of mention in the course of their negotiations with your excellency on this subject, but they hope to find that they have facilitated those negotiations by placing a draught of regulations in your excellency's hands, and they have now to request your excellency to join with them in proceeding with the consideration of this question in order that a settlement of it may be promptly effected.

The undersigned avail themselves, &c.

[Inclosure 3 in No. 482.]

Draft of regulations.

I. Foreigners may travel for their pleasure or for purposes of trade to all parts of the interior under passports which will be issued upon the demand of their respective ministers or consuls by the Japanese authorities. Passports will not be demanded for seamen, or for any person who has no ostensible means of livelihood, or who has been convicted of felony, or twice convicted of misdemeanor.

II. The passport will not be transferable. It will give in full, the names and description, residence and nationality, of the person to whom it is granted, and will state the time for which it is issued. On the expiration of the time named in the passport it must be returned by the holder, through his minister or consul, to the proper Japanese authorities.

III. Upon application for a passport, the applicant shall deposit with his minister or consul, security to the amount of \$200, which shall be returned to him ten days after the passport shall have been given up to the Japanese authorities, provided no claim or charge relative to his conduct while in the interior shall have been laid against him, otherwise the security shall be retained until the said charge or claim shall have been heard and decided by his consul.

IV. If the holder of a passport transfer it to another person he shall forfeit the whole of his security. If, owing to any culpable or avoidable cause, he fail to return the passport as soon as it has expired, he may forfeit either the whole or such portion of his security as may be deemed by his consul to be an adequate punishment for his neglect.

V. Any foreigner traveling in the interior beyond the treaty limits without a passport duly obtained, or with a passport which has expired, may be arrested by the Japanese authorities, and will be liable to a fine not exceeding \$200, or to imprisonment not exceeding thirty days, on conviction before his consul.

VI. Foreigners traveling in the interior shall enjoy the same facilities as Japanese for hiring persons, vehicles, or transport of any kind for the carriage of themselves or their merchandise, and shall not pay higher tolls than those which are paid by Japanese.

VII. If a foreigner, while traveling beyond treaty limits, fail to pay or wishes to complain of any claim for horse or coolie-hire, transport, lodging, or entertainment of any kind, the local Japanese officer shall inquire into such claim or complaint, and shall state the amount that he considers due. The foreigner shall thereupon pay that amount, and if he refuse to do so he may be arrested by the Japanese authorities; but if the foreigner be dissatisfied with the amount named by the local officer he may pay the same under protest, and in that case the local officer will be bound to furnish them with a written statement of the claim, and the amount the officer has called upon the foreigner to pay, in order that the same may be reconsidered by the Japanese foreign minister, upon the demand of the diplomatic representative of the foreigner.

VIII. Every foreigner traveling in the interior must observe all local municipal laws or regulations which shall be made known to him, and if he fail to do so, or if he commits any crime or offense, or is riotous or disorderly, he may be arrested by the Japanese authorities.

IX. Any foreigner arrested under these regulations by the Japanese authorities shall be immediately conveyed to the nearest treaty port and handed over to his consul, with a charge stating the offense he has committed; but he must not be subjected to ill-usage, or undue severity, either on the occasion of his arrest or while he remains in the hands of the Japanese authorities.

X. The expenses incurred by the arrest of any foreigner for any of the causes above named, or by his conveyance under arrest to a treaty port, will be made good to the Japanese government out of the security deposited by the said foreigner on receiving his passport, upon conviction of the offense charged.

In the case of any foreigner arrested in the interior without a passport, the judgment of the consul or minister shall include an order for the repayment by the offender of all expenses incurred by the Japanese government.

No. 403.

Mr. Bingham to Mr. Fish.

UNITED STATES LEGATION, JAPAN,
Yokohama, October 7, 1873. (Received Nov. 4.)

No. 3.]

SIR: I have the honor to inform you that I was this day admitted to audience, in his imperial palace, by His Majesty the Tenno of Japan, accompanied by Mr. De Long, whose personal kindness toward me I take this occasion to acknowledge. Mr. De Long made a farewell address to His Majesty, to which His Majesty responded. After which Mr. De Long introduced me to His Majesty whom I addressed, and who responded in the kindest terms. After I had delivered to him my sealed letter of credence, His Majesty received me, I am gratified to say, without throne or other symbol of imperial power, thereby recognizing, as I trust, the equality of all men before the law.

* * * * *

Appended hereto are copies of my address to His Majesty and of his reply.

I am, &c.,

JNO. A BINGHAM.

[Inclosure 1 in No. 3.]

Mr. Bingham's address to His Imperial Majesty.

Your Imperial Majesty has already been advised, through Your Majesty's illustrious minister of foreign affairs, that I have been appointed and commissioned envoy extraordinary and minister plenipotentiary of the United States of America to reside near Your Majesty's government. Obedient to the instructions of my government, and to my own sense of duty as well, it shall be my endeavor by good offices to strengthen, so far as I may be able, the friendship now happily subsisting between Your Majesty's government and my own, and to advance the interests of both. It is a pleasure to me to say that I but obey the instructions of the President who commissioned me when I assure Your Majesty that you have the good-will of the President and of the United States of America, and their best wishes for the prosperity of Your Majesty and of the people of Japan. The people whom I represent are not unmindful of the trust and confidence uniformly manifested by Your Majesty's government toward the government and citizens of the United States. Thanking Your Majesty for the distinguished consideration shown me, and sincerely desiring that this growing empire of the East may continue to advance with the advancing civilization of the age, I have the honor to place in Your Majesty's hands my letter of credence, signed by the President and authenticated by the great seal of the United States of America.

[Inclosure 2^{án} No. 3.]*His Imperial Majesty's reply to Mr. Bingham.*

We are most happy to receive this letter from the President of the United States' announcing to us that you have been selected and commissioned envoy extraordinary and minister plenipotentiary accredited to this court.

We have full confidence that in fulfilling the functions intrusted to you, you will use your best endeavors, guided by experience, fidelity, and probity, to increase friendship between both nations and to advance our mutual interests.

Our ardent wishes and hopes are that your country may continuously be in peace and prosperity.

No. 409.

Mr. Bingham to Mr. Fish.

No. 7.]

UNITED STATES LEGATION, JAPAN,
Yokohama, October 20, 1873. (Received November 20.)

SIR: I am informed by Mr. Soyeshima Taneomi, late minister for foreign affairs of Japan, of his nomination to be "gaimu sosai," or superintendent of foreign affairs. The change which this notice implies is only a nominal one, involving merely a difference of title. Mr. Soyeshima has been appointed to be of the "saugi," or privy council; and while he will still exercise the functions of minister, he cannot, under the law of Japan, retain the title of the office.

I am, &c.,

JNO. A. BINGHAM.

No. 410.

Mr. Bingham to Mr. Fish.

No. 8.]

UNITED STATES LEGATION, JAPAN,
Yokohama, October 21, 1873. (Received November 20.)

SIR: On the 14th instant His Majesty the Tenno granted an audience to Mr. C. W. Brooks, an account of which is herewith inclosed.

This manifestation of regard to an American citizen I think it proper to make a matter of record.

I am, &c.,

JNO. A. BINGHAM.

[Inclosure.—Translation.]

Speech addressed by His Imperial Majesty the Tenno of Japan, at a special audience given to Charles Walcott Brooks, at his palace, on Tuesday, October 14, 1873.

I am gratified to meet you here for the first time. You have performed your duties faithfully and zealously for many years as consul at San Francisco. You have extended all necessary assistance to my people in the kindest and most watchful manner, doing all things for the best, and I express my entire satisfaction with your conduct, and with the able services you have rendered my ambassadors extraordinary to whom you have been attached, and whom you have accompanied around the world in their mission to the various treaty powers.

Answer by Charles Walcott Brooks.

Before returning to America I am gratified to have the opportunity of personally expressing to Your Majesty the deep sense of respect and appreciation with which I

have received and enjoyed the commission which it was the pleasure of Your Majesty to confer upon me.

I deem myself fortunate that Your Majesty has deigned to observe the devotion with which I have constantly labored to merit Your Majesty's high appreciation.

I beg to offer the expression of my acknowledgments for Your Majesty's gracious allusion to my services, and to hope that Your Majesty will be well persuaded that the remembrance of this occasion will always be precious to me. May Your Majesty's reign be long, peaceful, and happy.

After the audience the Emperor presented his full-length portrait in a frame to Mr. Brooks.

No. 411.

Mr. Fish to Mr. Bingham.

No. 14.]

DEPARTMENT OF STATE,

Washington, November 7, 1873.

SIR: Mr. De Long, in his No. 482, of the 5th of October last, acquainted the Department with negotiations pending in Japan for allowing foreigners to proceed to the interior.

It appears that the negotiations were originated on the motion of the German minister, who proposed that permission should be granted on a deposit of \$300 with the Japanese government in each case. The matter then became the subject of discussion among the foreign representatives. They finally agreed to submit to the Japanese government proposals that the leave should be granted on a deposit of \$200 with the consul of the applicant's nationality. It is understood that the Japanese government are now entertaining this proposal. I have therefore to say that the President approves the reduction of the proposed deposit from three hundred to two hundred dollars, but does not approve making the consuls the depositaries. There is no law authorizing the government to incur such responsibility, and it is difficult to perceive how the government could avoid becoming responsible for such deposits, should they be made and received by its authority and consent. Should, therefore, a deposit be insisted upon, which it is hoped will not be the case, you will endeavor to have the regulations so framed that it shall be made with the Japanese government, and you will in no event consent to have it made with consuls of the United States.

I am, &c.,

HAMILTON FISH.

No. 412.

Mr. Bingham to Mr. Fish.

No. 17.]

UNITED STATES LEGATION, JAPAN,

Yokohama, November 17, 1873. (Received December 26.)

SIR: I have the honor, in reply to your instruction No. 5, dated the 6th September, 1873, to say that, having examined, as therein requested, the "hunting regulations" referred to, I am of opinion that nothing therein contained, when construed according to the manifest intent thereof, conflicts with the privileges secured by treaty to American citizens in Japan. It may not be improper for me to add in support of this opinion that I find nothing in the treaty of 1858 which in anywise denies to Japan the general power to legislate over all persons within her ter-

ritorial limits by general laws, while article 6 of that treaty does, by necessary implication, in my judgment, declare that the government of Japan may by law define and prohibit offenses within her territorial limits, and that no person resident therein is privileged by any treaty to disregard and violate such general law. It is no answer to this to say that because there are certain privileges secured by treaty to the government and citizens of the United States, Japan may not, therefore, rightfully exercise general legislative power over all persons within her limits in all matters not expressly provided for in the text of the treaty. I am not unmindful, in considering this question, that by the sixth article of the treaty Americans committing offenses against Japanese are to be tried in American consular courts, and, when guilty, punished according to American law; but I submit that it does not result from this that the government of Japan may not by general law define and prohibit all crimes and misdemeanors against person and property within her limits. There is nothing in the "hunting regulations" that I can discover which can be construed to deny to American citizens the right to be tried for any breaches thereof before the American consular courts, and to be punished, upon conviction, according to American law. The penalties prescribed by the regulations can only be held to apply to Japanese subjects, while the prohibitions therein are obligatory upon all. This seems to me to be their intent, and so I understand they have been uniformly administered. If, however, the manifest intent of these regulations be disregarded in their construction, and the letter alone, so imperfectly expressed, be followed, it might properly be said that articles 18 and 21, and the specific penalties annexed, do conflict with the provisions of the treaty of 1858.

I am, &c.,

JNO. A. BINGHAM.

No. 413.

Mr. Bingham to Mr. Fish.

No. 18.]

UNITED STATES LEGATION, JAPAN,
Yokohama, November 18, 1873. (Received December 26.)

SIR: Referring to your instruction No. 179 of date the 6th of March last, with its inclosures, I find allusion therein to the unpaid balance of the indemnity agreed to be paid by Japan to the United States on account of the attacks made at Shimonoseki by the Daimio of Choshien. Some days since I was asked by Sir Harry Parkes, my British colleague, to join him with the other foreign representatives in a joint note to the Japanese government calling attention to the non-payment of a moiety of this indemnity. This I declined to do, until I should receive instructions on the subject from my government. It appears by the record above referred to, and the record accords with my recollection, that a bill passed the House of Representatives, but failed in the Senate, releasing Japan from the payment to the United States of the unpaid balance of the indemnity, about \$375,000. If, as reported by the House committee on that occasion, the government of the United States has already been fully indemnified by the amount hitherto paid by Japan, it occurred to me that you might deem it advisable to recommend that the House bill releasing Japan from further liability be again introduced

and passed. Should such action meet your approval, and be carried into law upon your recommendation, I have no doubt it would confirm this government in the belief of the good intention of the United States toward it. I trust that my action thus far in the premises may meet your approval, and shall await your instructions in relation thereto.

I am, &c.,

JNO. A. BINGHAM.

No. 414.

Mr. Bingham to Mr. Fish.

No. 24.]

UNITED STATES LEGATION, JAPAN,
Yokohama, December 5, 1873. (Received January 23, 1874.)

SIR: I have the honor to communicate herewith an abstract of the report of D. W. Ap Jones, esq., a citizen of the United States, upon the adaptation of certain districts in Japan to the growth of cattle and sheep. The material is in Japan to give profitable employment to one hundred million people, instead of the twenty-five, or at most thirty million, who now reside here, one-half of whom are without remunerative occupation, and in poverty. I deem it safe to say that the unoccupied lands in this island and in Yesso, not less than one hundred thousand square miles in extent, would, with but little outlay, support forty million cattle and sheep annually. Notwithstanding the published reports to the contrary, I am also fully satisfied that the undeveloped mineral resources of Japan, in coal, iron, copper, gold, lead, and silver, are very great. I repeat the opinion heretofore expressed that the opening of the country, under proper regulations and restrictions, would be attended with advantageous results to Japan and to the United States.

I am, &c.,

JNO. A. BINGHAM.

[Inclosure in No. 24.]

Abstract of Mr. Jones's report.

TOKEI, JAPAN, November 24, 1873.

His Excellency the MINISTER FOR FOREIGN AFFAIRS:

SIR: Your excellency, on the 25th of September last, was pleased to direct that a passport be issued permitting me free travel through the provinces of Sagami, Idzu, Imuga, Totomi, Shinam, Kai, and Messashi, for the purpose of examining the wild and unoccupied lands, and their adaptability to the raising and breeding of sheep, and of reporting on the same to the foreign office. Already I have made a partial examination of the waste and mountainous lands in the three first named provinces. My examination was begun at Kina, in Sagami. This place is situated on the right bank of the Hyagawa River, which flows out of Hakone Lake, and empties into the bay of Odawara. A short distance above Kina, on the left bank of the Hyagawa, is the village of Mia-gino. From this Sengoku is distant one-half ri, and the intervening space unsettled. The hills and table-lands were covered with luxurious vegetation, the prevailing grass being that known in Japan by the name of "kaya." The kaya resembles, in some particulars, three distinct families of grasses, the Reed canary, the wheat, and pampas. The latter grass is peculiar to South America, and to it, in my opinion, the kaya bears a close resemblance. It grows from two to eight inches high, blossoms in August, and drops its seeds, which are small, in September. This, in most places, is the principal grass cut and used for hay in this country. Between Mia-gino and Sengoku there is nearly a ri square of good and available pasture-land, together with sufficient level and table-land to provide winter provender for the stock.

On the right bank of the Hyagawa, a short distance from the Mura of Sengoku, is the Sengoku no Hara, a tract of level land containing about 800 acres. This fine tract of land is bounded on the west by a stream of living water, on the south by grassy hills, which are not too steep for sheep to range on, and a soil composed of a black vegetable loam. On the north the hills are quite low and open, on the east it is entirely open, and the path leading from the Hara to the table-land, south of Kina, goes through a series of depressions and little valleys, and gently rolling hills for a distance of nearly two ris. Within these boundaries there is an area of at least twenty square miles, almost all of which is available for grazing. From Sengoku to Hakone Lake is one-half ri. There are no houses nor tilled lands between these two places. The Mura of Sengoku is situated between two ranges of hills, or rather mountains. The range on the south is called the Utagoi; the range and its spurs immediately north of the Tokaido being in the Hakone system. The range bounding the Sengoku Valley on the north is called the Digataki, and forms also the dividing line between Sagami and Suruga. The hill-sides just north of Sengoku are covered with a growth of timber and brush for the distance, perhaps, of half a ri, when they become clear, and bear a luxurious vegetation to the summit. This chain may be said to terminate at the northeastern end of Hakone Lake. The valley from the Mura of Sengoku to the lake is not very good, being a peaty, porous earth, covered with a varied vegetation. In the center of the valley the soil is good, and covered with fine grasses. In this same valley, at the foot of the Komagataki Mountain, and just north of Ubago, the soil is good and covered with the kaya-grass and other vegetation. There is an area within the last-named limits of more than sixteen square miles, including the hills on either side of the valley. At the northwestern end of Hakone Lake there is a path leading up a steep hill a distance of perhaps fifteen chos. This trail starts at the flood-gate of the subterranean canal, where it debouches from the lake, and is intersected by a road leading to the valleys in the southwest. From this trail, following the chain of hills on the west side of the lake and going in a southeasterly direction to the Tokaido, a distance of about five ris, is a range that will probably average one-half ri in width. There is some brush on some of the hill-sides on the northwestern part of this location, but I estimate the available area at twenty-five square miles. The hills near the lake are steep but free from brush and covered with a luxuriant vegetation. Within this location there is a large amount of table-land which is susceptible of cultivation. From the southeastern limit of this range it is four ris to a place called Ike-no-yama, in the province of Idzu, the intervening space (ten miles) being without an inhabitant, a good grass country the whole distance. About one-half ri from Hakone, southeast of the Tokaido, there is another extensive and fine location for stock. Ike-no-yama commands a beautiful and very wide region. No land could be better for stock.

The hills, gently sloping, are divided into innumerable little knolls and basins, affording shelter from winds, and excellent pasturage. The extent of this excellent location is nearly one ri square. From here to Altami is $2\frac{1}{2}$ ris, and for more than two-thirds of that distance the hill-sides bordering the way are covered with grass. Here there is an area of more than forty square miles of good pasturage. In going from Hakone Lake to Altami I found a good location for sheep, just north of the Mura of Yugawara. The hills are somewhat steep, but covered with grass, better than that immediately around Hakone. Above the village of Idzu-San is an extensive stock-range. The basin and surrounding hills would keep 3,000 sheep, both summer and winter. About one-half ri north of Altami is a place called Ai-no-Hara. Here there is nearly a ri square of good pasturage land. Here, too, as in Idzu-San, the climate is good for sheep, snow beginning to fall in December, and disappearing in February. There are other extensive ranges in Idzu, which I did not visit. This province, on account of the hilly nature of the country, is, I should judge, very sparsely settled, but nearly all the rougher surface is well adapted for grazing and capable of maintaining a very large number of sheep. In the province of Sumga, I examined the whole of the western slope of Fugi-Yama. A short distance above Kami de Mura, about 3 ris from the town of Oruya, there is a valley about 3 ris in length, and 1 ri in width. From the northern border of this valley to the Ashitaka Mountains, the distance is about 6 ris, and the range will average at least one-half ri in width. On this face of Fugi-Yama, the soil is good and mostly covered with the fine mountain-grasses and innumerable wild-flowers. One of the finest stock-ranges, I think, I ever saw in any country, begins about $1\frac{1}{2}$ ris from here, just above Shitakita Ikubo. The surface is in places gently undulating, and covered with a rich growth of grass, short, fine, and varied in kind, and with wild flowers of every kind mingling with the green-sward, presenting a picture of great beauty. Bordering the base of Fugi is an extensive forest, where nearly all the useful species of timber known to Japan flourish.

Between Fugi and the Ashitaka range of mountains on the east, there is a distance of about 4 ris, comprising a large tract of wild country. Not only this tract, but also several others, of equal, if not greater, extent, about the base of Fugi-Yama, are well adapted to the raising of sheep. Here, for the first time in Japan, I saw the

true "blue-joint" grass, a species highly esteemed in America. The extent of grazing land on the north side of the Digitaki chain is, perhaps, greater than that already described. It is low and rolling in nature, and is covered with the short Shita grass, intermingled with other wild varieties. All of this vast extent of country lies nearly in a body. The only break is the valley of Goten. With the exception of this valley, about 2 ris in width, there is a distance of nearly eighty English miles, in which there is not a house, and almost all of which is well adapted to the raising of sheep and cattle. This district would maintain, at least, one million head of sheep.

CHARACTER OF THE SOIL AND GRASSES.

That space around the foot of Fugi-Yama within a radius of six ris, must once have been covered with volcanic cinders or scoria. A rich soil has gradually formed over this black waste, until now a deep, fertile loam covers the whole surface. Like all lava soils, it produces the best crops. The soil has been made in the other localities which I visited by the decay of deciduous vegetable matter, but resting on a different substratum. But, with very rare exceptions, the soil of all this portion of Japan is a black vegetable loam. In some places I found a peaty, porous earth, indicating, I think, the previous existence of bogs; but the soil is now productive, being thoroughly mixed with decayed vegetable matter. A great deal of this land is capable of producing the cereals, and, I am of opinion, also the American upland cotton. Wherever the grass is unmown, the kaya is the prevailing variety; but upon being cut a few times, it quickly yields to finer and more nutritious varieties, such as the annual spear-grass, the fine and broad-leaf meadow, and the species known as "fox-tail," and "meadow fescue." A species of wild vetch also makes its appearance in these places, showing conclusively that the wild lands of Japan only need stock to develop a sward unprecedented for its thickness, beauty, and nutritious qualities. The grass remains green for nearly nine months in the year. On the 5th of the present month (November) I culled the choicest wild-flowers at an elevation of 4,000 feet above the level of the sea. Here stock would need shelter for not more than two months in the year. There is one wild species of grass in Japan, the "hiye," which many of the farmers have used as hay, and which is most valuable in its nature. It contains one thousand per cent. more seed than any of the clovers, and the leaves and stalk are far more succulent. When Japan becomes a stock country I confidently predict that the hiye will form the chief winter provender for her horses, cattle, and sheep.

Will sheep thrive in Japan? I have no hesitation in answering yes. If any difficulty has been encountered in the past, it has been owing to the manner, the *very* bad manner, I might say, in which the sheep have been kept, and not because the grasses are poisonous or wanting in nutrition. Horses and cattle do well in Japan on the native grasses; and I have not the slightest reason for supposing that sheep will not do equally well, if properly attended to and cared for. As yet, in Japan, the sheep has had no fair trial—indeed, no chance to live, on account of the manner in which it has been treated. Instead of being pastured on the beautiful ranges I have visited and described, where it could roam and crop its favorite food, it has been kept in dirty pens, irregularly fed, and that too on food only of one kind and of an inferior quality. Then, too, the sheep introduced into Japan, the Chinese breed, is an inferior animal. It is not hardy, and its fleece is very light and of an exceedingly poor quality. There are breeds of sheep much more valuable, which would thrive everywhere in Japan. From my observation, I am convinced that the Cashmere goat, an animal of rare value, would also thrive in Japan. The public domain of Japan, unoccupied, is of vast extent in comparison with the area actually under cultivation. This domain is covered with grass, and grass is only another name for beef, mutton, clothing, hides, and tallow. I am told on the authority of an official of the customs, that Japan imports, annually, woolen goods, and woolens mixed with cotton, to the amount of five million dollars. If the grass crop of Japan could be utilized by stock, the value of that stock would exceed \$150,000,000. This statement can be readily verified by comparison with statistics furnished by other countries. The annual yield from this stock would save a vast drain upon the resources of the country, and would call into life very many new industries. The poor, hard-working farmers of Japan to-day pay four-fifths of the nation's taxation. Every new source of wealth created and subjected to taxation would relieve this class, which should be specially the care of every government, for theirs is the most important interest. If this interest languishes, there can be no prosperity; if too heavily taxed, there will be universal discontent. If we could compare the agricultural products of the present day, with the exception of tea and silk, since the country has been opened to commerce, with those of a century ago, I do not think that we will find any increase in the productions of the country. Agriculture cannot advance, and wealth consequently cannot increase, when the chief fertilizer is obtained only from the retiring-houses, and the greater part of the extensive, rich, fertile domain of Japan, without the introduction of live stock, must forever remain unproductive, and agriculture to a great extent cease to advance. In Japan

there are too many people engaged in unproductive labor, and nothing will nor can correct this state of things but the introduction of new and varied industries. The care of one million of sheep would require the employment of about four thousand persons. Woolen-mills would probably follow and create demands for new labor. Thus one industry would create another, the condition of the laboring poor would be improved, and whatever conduces to the strength and improvement of that class inevitably adds to the wealth and prosperity of the nation.

I am your excellency's obedient servant,

D. W. AP JONES.

No. 415.

Mr. Bingham to Mr. Fish.

No. 30.]

UNITED STATES LEGATION, JAPAN,
Yokohama, December 18, 1873. (Received January 26, 1874.)

SIR: Referring to your instruction No. 14, 7th November, 1873, I beg leave, in reply thereto, to call your attention to my dispatch No. 19, 18th November, 1873, and especially to inclosure No. 2, therewith, in which, among other things, I said to the minister for foreign affairs that I had "carefully abstained from declaring for or against the regulations hitherto presented by the foreign representatives," &c. The regulations referred to are the proposals mentioned in your instruction No. 14, the third article of which provides for the \$200 deposit. I was of opinion, at the time the regulations were under discussion, that the provision for a deposit with the minister or consul ought not to be accepted, and am glad to be informed that it does not meet the approval of the President.

I am, &c.,

JNO. A. BINGHAM.

No. 416.

Mr. Fish to Mr. Bingham.

No. 18.]

DEPARTMENT OF STATE,
Washington, January 7, 1874.

SIR: Your dispatch No. 17, of the 17th of November, 1873, in relation to the "hunting regulations" recently promulgated by the government of Japan, has been received.

Your views in relation to the character of these local laws and regulations, as containing nothing which conflicts with the privileges secured to American citizens resident in that country under existing treaty regulations between the United States and Japan, are entirely in accord with the views entertained by this Department.

The right of the authorities of Japan to enact and promulgate laws for the government, security, and good order of its own people, cannot, of course, be questioned for a moment, and of the character and sufficiency of these laws, that government must be the sole judge. Citizens of the United States resident in Japan are expected and required to observe and obey such laws in the same manner and to the same extent that the like obligations rest upon the subjects of that empire. In regard to the enforcement of these laws, and the imposition of penalties for their infraction, citizens of the United States have secured to them, by the provisions of existing treaties, the right of being tried in

the consular courts of their own nation, established in Japan, and according to the mode prescribed by the laws of the United States, and are protected from the infliction of any other penalties than those prescribed or warranted by the laws of their own country. So long as these privileges are recognized and respected by the government of Japan, there can be no cause of complaint on the part of this government in relation to the promulgation of any municipal law or regulation which the legislative authority of that country may deem necessary to its public interest and welfare.

I am, &c.,

HAMILTON FISH.

No. 417.

Mr. Fish to Mr. Bingham.

No. 19.]

DEPARTMENT OF STATE,
Washington, January 8, 1874.

SIR: Your dispatch of the 18th of November, No. 18, has been received.

In answer to the inquiry made therein as to whether it is desirable to press the payment of the unpaid balance of the Simonoseki indemnity, I have to state that a bill to release said payment passed one House but failed in the other. The Department must regard this as a refusal by Congress to release. But it is not thought best to unduly press the claim.

I am, &c.,

HAMILTON FISH.

No. 418.

Mr. Bingham to Mr. Fish.

No. 41.]

UNITED STATES LEGATION, JAPAN,
Yokohama, January 12, 1874. (Received February 21.)

SIR: I have the honor to transmit herewith a copy of the speech of felicitation addressed to the Tenno by the diplomatic body, through their dean, Sir Harry S. Parkes, at the audience granted them by His Majesty on New Year's day, and also a copy of the Tenno's reply.

I am, &c.,

JNO. A. BINGHAM.

[Inclosure 1 in No. 41.]

Address of the foreign representatives to the Mikado on the new year, 1874.

SIRE: In the name of the foreign representatives accredited to Your Majesty's court, I beg to convey to Your Majesty our united congratulations on the occasion of the year now commencing, and to express our sincere hope that it may be marked throughout its course by much personal happiness to Your Majesty and by increasing prosperity to your country.

Your Majesty will doubtless have learned with satisfaction from your ambassadors, who have lately returned to Japan, how friendly are the sentiments which are entertained toward Your Majesty by our respective sovereigns and rulers, and how cordially

they desire that, by the removal of all barriers to free intercourse in the interior of your country between their respective subjects and citizens and those of Your Majesty, the fullest advantage may be derived from the happy relations which already exist between Japan and their respective states. We feel satisfied that these wishes are reciprocated by Your Majesty, and we therefore trust that the efforts of Your Majesty's government will be entirely directed to the advancement of measures which are calculated to promote so desirable an object, and to permit the natural expansion of those material interests which form the closest bond of union between states.

[Inclosure 2 in No. 41.—Translation.]

Reply of the Tenno to the address of the foreign representatives.

I am highly rejoiced at the felicitations which, on the occasion of this new year, have been made to me by the representatives of the friendly powers on my own happiness and the prosperity of my country. I felicitate the sovereigns and presidents of the friendly powers on their happiness and the prosperity of their respective countries. I trust that the amicable relations of my country and the friendly powers will be rendered closer by the public law of mutual intercourse.

No. 419.

Mr. Bingham to Mr. Fish.

No. 43.]

UNITED STATES LEGATION, JAPAN,
Yokohama, January 14, 1874. (Received February 21.)

SIR: Herewith I beg leave to call your attention to a letter of J. H. Hawes, United States consul at Hakodadi, No. 288, dated the 6th instant, inclosure No. 1; and to my reply thereto, inclosure No. 2.

You will observe that the case presented by Mr. Hawes is not within either of the exceptions mentioned in the act of June 22, 1860; nor is it a case arising under the twenty-fourth section of said act.

I am, &c.,

JNO. A. BINGHAM.

[Inclosure 1 in No. 43.]

Mr. Hawes to Mr. Bingham.

No. 288.]

UNITED STATES CONSULATE,
Hakodadi, June 6, 1874.

SIR: I beg leave to report my action in fining an American citizen for willful violation of the treaty.

One Wood arrived at this port last fall, and made application to the authorities here for permission to go to the upper part of the island of Yesso. This request being refused by the governor, Wood started off in defiance of the authorities, and pushed on some two hundred and fifty miles or more before he was arrested and brought back by the Yakunins.

The authorities have presented a bill amounting to \$93.62, for expenses in returning Wood to this consulate. After an examination of this case, I imposed a fine of \$51.27, and as Wood had no means to pay said fine, I accepted two sureties, Americans, guaranteeing that the amount should be paid in five months, and discharged the accused, and he left the same day in a Danish vessel for a cruise in the North Pacific Ocean.

I have, &c.,

J. H. HAWES.

[Inclosure 2 in No. 43.]

Mr. Bingham to Mr. Hawes.

No. 45.]

UNITED STATES LEGATION, JAPAN,
Yokohama, January 14, 1874.

SIR: In reply to your No. 288, of date the 6th instant, I have to say that the general original jurisdiction in all civil and criminal cases against the citizens of the United States in Japan under the treaty of 1858, and the laws of the United States, is vested in the United States consuls; and that, by the twenty-seventh section of the act of June 22, 1860, I can have appellate jurisdiction only of cases like that presented in your letter. As no appeal has been taken from your judgment to me in the case of Mr. Wood, it does not seem proper that I should express any opinion on the subject.

I am, &c.,

JNO. A. BINGHAM.

No. 420.

Mr. Bingham to Mr. Fish.

No. 44.]

UNITED STATES LEGATION, JAPAN,
Yokohama, January 17, 1874. (Received February 21.)

SIR: It is with extreme regret that I communicate the fact that on Wednesday evening, the 14th instant, persons, as yet unknown, laid in wait for and attempted the assassination of Iwakura Tomomi, second prime minister of Japan.

The minister had been invited by the Emperor to the palace on the afternoon of that day, and left the palace for his home at about half-past seven in the evening. He was accompanied only by his coachman and betto, (runner.) Outside of the palace court-yard, when crossing the bridge over the moat near its gateway, his attendants were assailed by six or more men armed with swords. The betto was disabled, the coachman fatally injured, and Iwakura himself, after receiving two severe wounds, one on the shoulder and the other on the thigh, in attempting to escape his assailants, fell over the bank of the moat and rolled down many feet into the edge of the water, and thereby escaped, happily, further pursuit or injury, his would-be assassins being unable to find him on account of the darkness.

The betto, recovering, reported the occurrence at the palace, when the Emperor's guards came to the relief of the minister and carried him into the palace, where he still remains. I am glad to say that I am informed that his surgeons are of opinion that Mr. Iwakura will speedily recover.

I took occasion immediately upon receipt of the intelligence to communicate by special messenger to Mr. Iwakura my expressions of sympathy for himself and his family, and my sincere hope that he might speedily recover. As yet I can learn of no motive for this assault save a desire to overturn the present ministry, manifested by many dissatisfied persons.

I am, &c.,

JNO. A. BINGHAM.

No. 421.

Mr. Bingham to Mr. Fish.

No. 46.]

UNITED STATES LEGATION, JAPAN,
Yokohama, January 19, 1874. (Received February 21.)

SIR: On the 20th ultimo, Mr. Terashima Munenori, minister for foreign affairs, addressed a letter with inclosed memorandum (inclosures 1 and 2) to Sir Harry S. Parkes, who forwarded the same to me.

A perusal of the memorandum discloses the fact that the minister has pronounced only against the joint regulations proposed as the basis of treaty revision by my predecessor and others in September last, as appears by the following words in the closing paragraph of his memorandum: "We believe that the regulations recently proposed * * * are not satisfactory; neither do they give sufficient guarantees against the abuses and inconveniences herein signalized."

It is worthy of note that the foreign minister desires that some understanding may be had by which the independence of Japan can be maintained, while "effectual protection is secured to the foreign residents." He says in the last paragraph of his memorandum, "We are disposed and ready to entertain and discuss with you any such proposals."

You will notice that on the ninth page of his memorandum Mr. Terashima refers to the fact that it is the "opinion of some" that foreigners admitted to travel and trade should be considered to submit themselves to the obedience and observation of Japanese law, and that, on pages seven and eight, he says that the foreigner admitted to travel and trade would have the right to build houses and to lease lands in all parts of the country. With reference to this, Mr. Terashima complains manifestly in relation to the regulations proposed that "the foreigner would not be called on to observe either the laws and regulations of our (the Japanese) government nor yet to pay other taxes than those specified in the treaties." I have only to observe that I deem it possible at least to satisfy the government of Japan that it is well to admit, under proper restrictions and treaty guarantees, such foreigners as may come accredited, to trade, travel, lease and occupy lands, &c., subject, for every violation of the laws and regulations of Japan, to answer, as I have before said, to the tribunals of their countries in Japan, and to the penalties prescribed by the laws of their respective countries or by the common law.

I am, &c.,

JNO. A. BINGHAM.

[Inclosure 1 in No. 46.—Translation.]

*Mr. Terashima to Sir Harry S. Parkes.*FOREIGN OFFICE,
Tokai, December 20, 1873.

To SIR HARRY S. PARKES, K. C. B.:

With reference to the representations which for some time past you, along with your colleagues, the ministers of France, America, Italy, Germany, and Russia, have made with respect to the question of traveling in the interior of Japan, I have now to inform you that we have now investigated the precedents offered by other countries, and forward to you the accompanying memorandum, together with the precedents connected with it.

When you have perused them, I shall be glad if you will make arrangements to send them round to your colleagues, and afterwards to have them returned to me.

When you have fully considered the arguments of this memorandum, it will be time to fix a day for an interview in order to discuss the question.

I am, &c.,

TERASHIMA MUNENORI.

[Inclosure 2 in No. 46.—Translation.]

Memorandum of Mr. Terashima.

Our government, recognizing the importance of deciding whether foreign residents of this country shall or shall not have granted to them the right of freely traveling and trading in the interior of Japan, finds much difficulty to arrive at a proper solution of the question. Many of the foreign diplomatic representatives have at sundry times expressed their views on this grave subject.

Taking into consideration the present state of affairs in this country, and events that have occurred in other states, it seems to us that to allow foreigners to travel in its interior with extraterritorial rights would prove injurious to the government of any country.

By the law of nations in free and independent states, this right is never conceded to foreigners. Neither in Europe nor in America, where its baneful nature is well understood, do we see any country granting this right to foreigners. This matter is, indeed, one which requires most serious deliberation.

We shall refer to what has taken place in certain eastern nations, and add that there are foreign writers who are fully convinced of the injury resulting from the granting to foreigners the right of extraterritoriality.

Among others, Sir Rutherford Alcock, long Her Britannic Majesty's envoy extraordinary and minister plenipotentiary to this government, in his official report to his government while he was in China and after he had left this country, states that foreigners desiring to travel and trade in the interior of China should, of necessity, observe its local laws and regulations; it would be neither in justice nor equity for them to travel and trade without the concession of their right of extraterritoriality. He adds that it is only upon conquered nations that such unequal and incompatible conditions could be imposed, but can never be the result of negotiations. Inclosure marked A is an extract from his official report expressing fully his opinion on this subject. As has been already said, it is the universal usage, both in Europe and America, that foreigners resident or traveling through a territory should obey the local laws and regulations of that territory, and whoever disobeys these laws shall be tried (ambassadors, ministers-resident, &c., excepted) before the local tribunals and dealt with precisely as a native would be. It is needless to say more on this branch of the subject.

On the other hand, Europeans and Americans sojourning in eastern countries claim protection for themselves and their property through their own native laws, and do not subject themselves to territorial jurisdiction. From this arises that when, on the hearing of a case between him and a native, a foreigner is found guilty, he shields himself behind the special authority and protection of his consul, and is sometimes exempted from punishment. This is an instance of an arbitrary exercise of a foreigner's right to ex-territoriality. By granting to foreigners this right of extraterritoriality Turkey and Egypt have in various ways suffered much injury. The administration of their government has been greatly clogged and their customs-revenues reduced. However, concession was made at a time when their condition necessitated it. It seems also to be the result of want of careful deliberation and foresight on the part of the negotiators who yielded.

It is quite clear that from inclosures B and C the placing of foreigners outside of the pale of territorial jurisdiction would prove injurious to our government. The former is an extract from "*Principes Généraux du Droit Public et Administratif*," by Pradier Fodéré, a French author, and also an extract from "*Revue du Droit International*," published in Paris in 1870. The latter (C) is an extract from "*Social Science*," by Mr. Carey, one of the most distinguished American writers.

To grant to foreigners the right to travel and trade in the interior would naturally lead to a prolonged stay there, and this again to the demand to possess and hold real estate, for the reason that the right to build houses, to lease and rent land, should accompany the permission to foreigners to travel and trade in all parts of this country. Under such circumstances, one party, a Japanese, must in all particulars faithfully observe all the laws and regulations issued by this government, rules regarding taxation, &c., whereas another, a foreigner, could not be called on to observe either the laws and regulations of our government, nor yet could he be liable to pay other taxes than those specified in the treaties. This would seem to demonstrate that there would be two distinct classes of people in one nation, that of natives, who must obey all the laws and orders of government, and that of foreigners, who would not be amenable to any of our laws and regulations, but merely answerable to those of a foreign government. How, then, can the independence of the nation and protection of our own people be secured? The opinion of some is that when a foreigner is permitted to travel in the interior, it should be considered, as a matter of course, that he submits himself to the obedience and observation of the laws and regulations of the districts through which he may pass, and that he who should violate the law should be arrested and handed over to the consul of his country at the nearest open port for trial and punishment according to the law, as stated in the treaty. From this, although a foreigner is to be subjected

to our laws, yet he must be tried and punished by his consul; he is, consequently, to all intents and purposes, by no means under our laws. For on handing over to a consul a foreigner charged with an offense, and on calling on the consul to execute equitable justice upon the offender, and to inflict condign punishment upon him, to this demand the consul might reply that the offense alleged was not punishable according to the laws of his country. Further yet, notwithstanding that the offender was punishable according to the laws of his country, yet there might exist between the penalty required by our law and the one required by his, a vast difference. We have no doubt but that, and trust that the foreign consul will make a fair and equitable decision upon every case, as indeed he would be in duty bound to do. However, as the law and the infliction of punishment ever rest in the hands of the judge, we cannot affirm that it would never be so; a biased judgment might sometimes be rendered, as in the instance mentioned in inclosure B.

We see many difficulties surrounding us, such as the above-stated ones, and should we grant to foreigners the right to travel and trade in all parts of the interior, accompanied with that of extraterritoriality, there indubitably would be complaints between foreigners and Japanese such as we may be unable to arrange. Diplomatic representatives would say this would be the result of the government's being unable to adopt the best methods of preserving order and giving protection to people. On the other hand, the subjects of our country would say that either foreigners are not punished at all, although they have been convicted of offenses, or that the punishment meted out to them is not as severe as ours would have been. Has the government, then, no power to protect us?

Under such circumstances how could friendly intercourse and good relations between foreign and the Japanese government be preserved? As is well-known, the solicitous aim of this government is to foster progress in our country by adopting out of the different countries of Europe and America such of their institutions as may be most advantageous for and suitable to the present state of things in our country. We, therefore, earnestly desire that the intercourse between our respective people be as intimate as possible.

It is, however, out of the question for us to dispose of the question of ex-territoriality's being granted to foreigners going to or trading in the interior of Japan without first carefully investigating it, as otherwise it will be more than certain that we will be led into the same path of error as Turkey and Egypt have been. We would create fresh evils and difficulties for our country which centuries might be unable to eradicate.

Our objections to allowing foreigners not under the immediate control of our jurisdiction to travel in the interior are founded neither upon any ill-feeling toward them, nor upon any lingering sentiment of exclusive policy, as in past times; it is that we only wish, by giving due deliberation to so serious a question as this, and by refraining from precipitancy, to avoid making mistakes. It is needless to remark here that as a general principle a nation possesses absolute right and liberty by virtue of which it is entirely free to decide upon and shape its destiny as circumstances may require. This is fully stated in the inclosure marked E.

If, therefore, we can come to some understanding by which the thorough integrity and independence of our country can be maintained, while effectual protection is secured to the foreign residents of this country, we are disposed and ready to entertain and discuss with you any such proposals as you may be pleased to suggest. We must, however, remark that we believe that the regulations recently proposed by the representatives of the foreign powers is not satisfactory, neither does it give sufficient guarantees against the abuses and inconveniences herein signalized.

No. 422.

Mr. Bingham to Mr. Fish.

No. 56.]

UNITED STATES LEGATION, JAPAN,
Yokohama, February 19, 1874. (Received April 13.)

SIR: On the 21st ultimo a memorial was presented to the Sa In (lower council) by Soyeshima Tane-omi, late minister for foreign affairs, and other prominent Japanese, asking that a parliament or popular assembly be established. The Sa In, after some discussion, disposed of this memorial by a refusal, substantially, to comply with the demand of the memorialists.

The memorial is thought to have been intended to excite hostility

against the newly organized government, and it is understood that the persons who signed it clamor for war with Corea. It is significant that its presentation was closely followed by the attempt upon the life of Mr. Iwakura, who, in my opinion, is foremost as an adviser among the officials of the empire. Still more significant is the fact that the refusal of the council to accede to the demand of the memorialists has been followed by acts of armed hostility on the part of the Samourai of the province of Hizan in the south, where, it is reported, the government barracks have been attacked, with what result is not yet known. Fears are entertained that the governor has not a strong enough force to make successful resistance against the insurgents, the attacking party being estimated at 3,500 men. I am informed that Okubo, minister of the interior, a field-officer of high repute, has gone to the disaffected province, followed by Shimadzu Saburo, a prince of Satsuma, to try conciliation; but I am also informed that the troops of the empire are moving in force in that direction. It is generally believed that the desire of the Samourai for war against Corea, and their dissatisfaction with the known peace policy of the present ministry, are the causes of the outbreak in Hizan. In this connection I respectfully call your attention to my Nos. 16 and 19 of November last, in which I speak at length of Japan and the attitude of the European powers toward her in this regard.

I am fully persuaded that the immediate and pressing want of Japan is capital and skilled labor, and that she cannot obtain these without a revision of existing treaties. * * * *

I am, &c.,

JNO. A. BINGHAM.

[Inclosure 1 in No. 56.—Translation.]

MEMORIAL TO THE SA IN.

To the honorable board of Sa In :

GENTLEMEN: We have the honor to address to you the accompanying memorial, and to beg that you take it into consideration.

You will find its proposals some which we often made to you during the time we were in the government service, for they are all matters which we have always earnestly desired. As, however, ambassadors were visiting all the treaty-powers in Europe and America to obtain practical knowledge, it was decided to delay the discussion until their return. Now, though the ambassadors have already returned several months, we hear of nothing being done.

From the want of concord existing of late between the government and the people, the present position of the government is that it is liable to be brought to destruction. We extremely regret that this state of danger should have been occasioned by nothing else than the prevention by the government of free expression of opinion by the public.

Soeshima Tane-omi.
Gato Shojiro.
Itagaki Taisuke.
Yeto Shimpei.
Yuri Kimimasu.
Komuro Nobuo.
Okamoto Kensaburo.
Furusawa Uro.

Shizoku Saga Ken.
Shizoku Tokei Fu.
Shizoku Kochi Ken.
Shizoku Saga Ken.
Shizoku Tsuruga Ken.
Shizoku Miyoto Ken.
Shizoku Kochi Ken.
Shizoku Kochi Ken.

THE MEMORIAL.

Your respectful memorialists, having considered with whom the power of the government at present lies, (see that;) it is neither with the Emperor nor with the people, but with the officials alone. Well! Although the officials would not show disrespect for His Majesty, the honor and magnificence of the imperial council-chamber gradually disappears; and, although they do not wish to neglect the people, the laws are too

changeable, so that the proclamations of the morning are changed in the evening, and all things done according to the individual will of the officials. Rewards and punishment are administered with partiality; the public are forbidden to discuss government proceedings; and they are obliged to be silent under the oppression.

It must be evident, even to children three feet high, that it is impossible tranquilly to govern the empire under such conditions; and the country will quickly be ruined unless there is an improvement in its present mode of government.

Unable to divest our minds of the feelings of patriotism, we have consulted on the best means of relieving the government from its perilous position. The public opinion of the whole empire must be aroused. Nothing else will do. And to this end it is important to establish *min-sen gi-in*, (*min* public, *sen* choice, *gi* deliberations, *in* house,) where the members shall be chosen by the people, and shall discuss the laws. Then, the power of the officials being limited, (under control,) all men, both public and private, will find themselves happy and contented.

Now we beg to lay before you the following opinions respecting the above:

As the people, as is their duty, pay the taxes to the government, they should possess the right and power to examine government affairs. This being a self-evident proposition, should be understood by all, without requiring any explanation from us.

We beg, therefore, that the officials cease to oppose this right. They may oppose our proposition to establish the parliament, by saying that, as our people do not yet themselves promote the march of civilization and are ignorant and unlearned, the time has not arrived for establishing a parliament.

We reply, if it be so, so much the more necessary is it to establish the parliament, in order that the people may advance in knowledge and wisdom, and promote themselves to the state of civilization. Because, in order that they may so progress, they should first be taught to watch their rights and powers, and then they should be led to discuss public affairs, so as to rouse up each one to prize his rights and privileges, and to identify himself with the prosperity or adversity of the nation. Then there would be none so indifferent as to be content to remain ignorant. If the people be expected naturally to advance and progress of themselves without any such spur, we may wait perhaps a century, just as if the muddy water in a river were expected to clear itself naturally. Again, the officials most unreasonably say to establish a parliament now, at once, would be like nothing but the assembling together the fools of the whole empire. Alas! why are they so self-conceited, and why so look down upon the people? All officials ought, of course, to be the most clever of the people; but as it may be uncertain whether or not there are more learned and intelligent persons than they themselves, they should not feel this contempt. If the people be so foolish as for the officials to despise them, the officials must themselves be ignorant and unintelligent, for they are but one class of people. But which is the best way of governing? Is it by the absolute acts of a small party of officials alone, or by the public opinion of a vast body—all the inhabitants—of the empire?

We dare say that politicians or officials have greatly increased their knowledge and capacity, as compared with what they had before the recent great revolution of the Government—seven years ago; for the more learning and knowledge are cultivated, the better they are able to be advanced.

For this reason, we say again, the parliament must be established at once, in order to enable the people to improve in education and knowledge, and promote themselves to a state of civilization. It is the duty of the government to encourage in the people an ambition which shall cause them to step forward in such progress.

In a barbarous country, the people being only bold, disorderly, and disobedient to the government, it is the first duty of government to make progress by compelling the people to obey. Now, our people are not barbarous, and they are very obedient to the government. Such being the case, it must be the ambition of government that the parliament be established to-day, on purpose to stir up the people to know their own minds, and to exercise the proper duty of each one's taking part in the national affairs. This having been accomplished, the public throughout the whole empire shall, for the first time, be of one mind. Now, what makes a firm and strong government? It is the strength of public opinion. We need not go back to antiquity for example. We will prove it by the change of government which happened in October last.

How unsatisfactory was the government at that time! That it was able to stand was indeed wonderful. But who and how many of the people were glad of the change? Not only were they indifferent upon the matter, but nine-tenths of them knew nothing about it; and were only surprised by the movement among the military. It is for this simple object: to open unobstructedly the communication between the minds of the government and the people, so as to unite them together as one body, that the parliament should be established at first. Then the empire will increase in strength and the government itself will become firm.

Having thus perfectly explained the rights of the people, examined the present condition of the government, and called in proof the change of government in October last, as above mentioned, we are the more confident in our demand; and we

therefore earnestly declare, the best and simplest way of upholding and strengthening the empire is to establish a parliament and arouse public discussion.

We do not here enter into details of the subject, as they could not be all mentioned even in many papers. We privately hear that the opinion of the present officials is to delay any efforts from day to day.

They say, "It is heedless progress; for how does it benefit the country?" And again: "It is yet too early to enter upon the subject." We proceed, therefore, to examine the two phrases.

First, the phrase "It is heedless progress" we do not quite understand. Do they mean that it is roughly done? The establishment of a parliament should be most carefully effected. Again, do they say that it would derange the regular order of beginning and end, the hastening and delaying, according as circumstances change, because all departments are not altogether in concord? This is because (the government having no fixed regulations) all business is committed to the will of any of the officials. It is evident, for these very reasons, that it is most important to establish the parliament. As progress is necessary for the nation, all things must be brought within that progress; they therefore only oppose it on the ground of "heedlessness." The heedlessness has nothing to do with the parliament.

The second phrase, "It is too early," we are not only unable to comprehend, but our opinion is just the reverse. Because, if the parliament be established so hastily as to-day, yet it will not be in perfect working order for some time, perhaps months or years. And thus we are very anxious that it shall not be delayed a single day. So, as we said before, the phrase is just the contrary to our opinion. But, further, we hear the officials say, "As the parliament in European countries and America have not been established in a morning or an evening, but gradually, according to the progress of the people, we cannot hold them up as examples for imitation."

We reply: Parliament is not the only thing constituted according to the progress of the nations, but several sciences, public works, machines, and many other like things. But the reason these things took so many hundred years to perfect is, that everything had to be discovered by their own individual experience, for they had no examples to imitate. But we are able to select examples for imitation, and have not to contrive and discover for ourselves alone. If we were able only to use the steam-engine when we have ourselves discovered the natural law of steam, or if we can only work the telegraph when we have ourselves discovered the principles of electricity, how many years will be required before we can avail of them?

The purpose we have now discussed is:

A representative parliament must be established at once; and the degree of progress made by our people is just suitable for its establishment. We do not consider it necessary to refute the opinions of those officials who oppose it; but only to rouse the people to public discussion, to acknowledge the full rights and power of the people, and to excite them to activity, so that, the government and people being agreed with each other, the emperor and his subjects shall love each other, and our empire shall become happy, strong, and powerful. Thus we earnestly pray that our memorial may be favorably considered.

[Inclosure 2 in No. 56.—Translation.]

Reply of the Sa In to the memorial of Soyeshima and others, asking the establishment of a parliament.

Soejima Tane-omi, Shizoku of Saga Ken, and seven other Shizoku, addressed to this board a memorial for establishing a representative parliament. As the subject approves itself to our reason, it has been already formally referred to Sei In in a memorial from this board, and having been assented to and the rules inquired into, we think the memorial should be adopted.

But as each Fu and Ken throughout the country has been ordered—during last year—to establish a local assembly in every province, and as the department of Naimusho has been lately established, we have desired of Sei In that after the memorial has been referred to that department, the local assemblies shall be opened at once and the parliament gradually established.

January 22, 1874.

SA IN.

To SOEJIMA TANE-OMI and others.

423.

Mr. Fish to Mr. Bingham.

No. 26.]

DEPARTMENT OF STATE,
Washington, February 23, 1874.

SIR: I have received your No. 43, inclosing a copy of Consul Hawes' dispatch, informing you of the trial and conviction of an American, who had passed the limit within which Americans are by treaty allowed to reside, and had been arrested and returned by the Japanese authorities for trial.

The question being now brought to the consideration of the Department, an opportunity is offered for the expression of an opinion upon the right of entertaining jurisdiction in such cases, as well as upon the policy of doing so.

The treaties of the United States define the limits within which their citizens may reside within the empire of Japan. Beyond those limits they lose the protection of the municipal laws of the United States, and become subject to Japanese laws and to the rules of international law. It is understood that Japanese laws forbid foreigners to go beyond treaty-limits without special permits; and no canon of international law would interfere with such a mild enforcement of these laws as appears to have been made in this case.

I gather from the meager account which Consul Hawes gives of the arrest and return of the offender that the Japanese authorities exercised no jurisdiction over the person of the offender except to arrest him in his violation of law, and to return him to the consul for punishment. This they evidently did under the provisions of the sixth article of the treaty of 1858, by which we have agreed that "Americans committing offenses against Japanese shall be tried in American consular courts, and, when guilty, shall be punished according to American law."

When this offender was delivered to the principal officer of an American consular court, it became the duty of that officer to try him, and, if he should be found guilty, to punish him according to American law. It is the opinion of this Department that good faith called upon the consul to endeavor to do so.

Whether the existing laws warranted the conviction and punishment, is a legal question, upon which I can only express the views of the Department without assuming to instruct judicial officers in the performance of their duty as judges.

A treaty of the United States, duly concluded, is the supreme law of the land.

The treaty in question confers upon American consular courts jurisdiction over offenses against Japanese.

The statute of 1860 (§ 7) authorizes a consul to arraign and try citizens of the United States charged with committing "an offense against law" in Japan, and upon conviction to sentence him to fine or imprisonment.

The same statute (§§ 4, 5) authorizes the minister of the United States in Japan to make regulations for the due execution of these powers.

Mr. De Long, the late minister, made such regulations, in which, among other things, it is provided that misdemeanors at the common law are to be punished by fine or imprisonment, or both. A misdemeanor is defined to be an "offense inferior to felony, punishable by indictment or by particular prescribed proceedings. In its usual accep-

tation it is applied to all those crimes and offenses for which the law has not provided a particular name."—(*Bouvier, Law Dict.*)

In the opinion of this Department the offense in question, if proved, was a misdemeanor, and was punishable as such under the "regulations" prescribed by Mr. De Long.

The American policy in Japan has been the strict observance of our treaty obligations towards that power as a ground for insisting upon a similar observance towards us. Good policy, therefore, as well as good faith call upon us to maintain the consular jurisdiction over such cases as are presented by Mr. Hawes's dispatch, unless we violate well-settled principles of law by doing so.

I am, &c.,

HAMILTON FISH.

No. 424.

Mr. Bingham to Mr. Fish.

No. 57.]

UNITED STATES LEGATION, JAPAN,
Yokohama, February 23, 1874. (Received April 13.)

SIR: Since writing my dispatch, No. 55, concerning the unpaid balance of the Simonoseki indemnity, Sir Harry S. Parkes, the English minister, has addressed to me on that subject a letter of this date, a copy of which is herewith inclosed.

You will observe that he holds \$5,833.33, which he says is the proportion paid on the special damages adjudged, and which he says is payable to me as the representative of the United States. I am wholly unadvised as to the payments hitherto made by the Japanese government on account of this indemnity, and therefore, before acting in the matter, I respectfully ask instructions from the Department, and beg leave in this connection to call your attention especially to my dispatch No. 55, above referred to.

I deem it my duty to await your instructions, and have to request that you will favor me with them at your earliest convenience.

I am, &c.,

JNO. A. BINGHAM.

[Inclosure.]

Mr. Parkes to Mr. Bingham.

HER BRITANNIC MAJESTY'S LEGATION,
Yedo, February 23, 1874.

SIR: You will doubtless have heard that the Japanese government have preferred to proceed with the payment of the moiety of the Simonoseki indemnity, which remains due under the convention of October 22, 1864, rather than relax the restrictions to which foreigners are subjected in this country, and that they have lately delivered to the ministers of France and the Netherlands and to myself \$125,000 each, as three one-fourth shares of fourth installment of the said indemnity. A certain portion of the money thus received by me is transferable to yourself, and in order to explain this circumstance it appears necessary that I should trouble you with the following reference to the arrangements, concluded more than eight years ago, between our respective governments in regard to the division of this indemnity.

The mode of dividing this money between the four powers to whom it was payable, namely, France, Great Britain, the Netherlands, and the United States, was discussed at Paris in 1865. The French minister for foreign affairs, M. Drouyn de Lhuys, suggested the division should be made according to the proportion which the forces of

each power in Japan bore to the aggregate forces of the four, while the United States minister to France, Mr. Bigelow, contended that each power should be considered to have contributed equally by its moral support to the success of the common cause, irrespective of the material force which each brought into the field, and which is detailed in the margin—France, 1,225 men; Great Britain, 5,156 men; Netherlands, 951 men; United States, 258 men—and, therefore, that each power should receive an equal share of the indemnity. Her Majesty's government willingly concurred in Mr. Bigelow's proposal in order to mark their estimation of the value of united action between all the powers then represented in Japan, and the division of the indemnity in equal shares was accordingly agreed to by the four governments.

It was also at the same time agreed that compensation for certain injuries sustained by French subjects and for certain damages done to United States and Netherlands ships at the Straits of Simonoseki prior to the joint operations of the four powers against Choshien should be assessed at \$140,000 in the case of each of the said three powers, and that the total amount of these special compensations, or \$420,000, should form a first charge on the Simonoseki indemnity and be paid ratably out of each installment. That is to say, that the indemnity being payable in six installments of \$500,000 each, one-sixth of the sum due for these special compensations, or \$70,000, was to be deducted from each installment as it was received from the Japanese government, and was to be divided between France, the Netherlands, and the United States, while the balance of each installment after the above deduction had been made, or \$430,000, was to be divided equally between the said three powers and Great Britain.

Consequently on each of these three occasions when an installment of the said indemnity has been paid by the Japanese government to the representatives of the four powers in equal proportions of \$125,000 each, the British representative, acting in conformity with the above arrangement of the four governments, has accepted only \$107,500 of the sum thus tendered to him—this being a one-fourth share of \$430,000—and has handed the amount paid to him in excess, namely, \$17,500, to the representatives of France, the Netherlands, and the United States, in order that it might be applied to the payment of their special compensations.

In the same way, it is now incumbent upon me to accept, on the part of Her Majesty's government in the case of the division of the present or fourth installment, only \$107,500, instead of \$125,000, which has been delivered to me by the Japanese government, and I have to place the difference, or \$17,500, at the disposal of the representatives of France, the Netherlands, and the United States.

The proportion of this sum which is payable to yourself, is \$5,833.33, and I should feel obliged if you would inform me of your wishes in respect to this money.

I have, &c.,

HARRY S. PARKES.

No. 425.

Mr. Fish to Mr. Bingham.

No. 27.]

DEPARTMENT OF STATE,
Washington, February 27, 1874.

SIR: I have read your Nos. 45 and 46, concerning the permission to foreigners to trade and travel in the interior of Japan, with interest and general approval.

It is our desire to see Japan reach a point where the administration of justice could be safely confided to its authorities by foreigners. But we cannot shut our eyes to the fact that that point has not yet been attained; and we cannot safely yet surrender any of the rights of extra-territoriality which we possess.

As to the extension of the right to travel and trade and sojourn in the interior, we do not desire to ask any exceptional privileges for the citizens of the United States. We should be quite content to accept such an extension, coupled, as to the country outside the present limits, with the ordinary subjection to taxation when domiciled, and to the obligation to observe municipal laws which obtain among Christian nations, with this exception, that the foreigners so sojourning or domiciled should be subject to the exclusive jurisdiction of their respective consuls in all

civil and criminal matters; a jurisdiction which we might be prepared to surrender if the courts of Japan hereafter, in the judgment of the President, should be so organized and conducted as to afford as full and complete remedies and protection as the consular courts now do. We would not think it wise to make the privilege above referred to obtainable by the payment of money, or to have it confer upon the foreigner domiciled in Japan any special exemptions from local taxation. On the contrary, it would be desirable to have a foreigner so domiciled bear the same relations toward the government of the country that he would bear toward the government of a Christian country, except his right or amenability to trial in consular courts.

Your general views on the subject commend themselves to the Department, and make it unnecessary to give detailed instructions. Should any definite proposition be made, time will doubtless be afforded you for a reference to your government.

I am, &c.,

HAMILTON FISH.

No. 426.

Mr. Bingham to Mr. Fish.

No. 65.]

UNITED STATES LEGATION, JAPAN,
Yokohama, March 9, 1874. (Received April 13.)

SIR: I have the honor to inclose for your consideration a communication from the minister of foreign affairs in reply to a letter from my predecessor of date 15th February, 1873. You will observe that Mr. Terashima concedes that the Japanese commissioners of customs must consult the consuls in relation to regulations which relate only to the removal of inconveniences, but claims that neither the seventh article of the convention of 1866 with the United States, nor the eleventh article of the trade-regulations of the Austro-Hungarian treaty, requires that foreign consuls shall be consulted by the commissioner of customs as to "regulations deemed necessary for the proper management of the custom-house business at treaty-ports in Japan."

A like letter having been communicated by the minister for foreign affairs to the other foreign ministers, a meeting of the foreign representatives was called to consider it, which I attended. This meeting resulted in the preparation of a joint note addressed to the minister for foreign affairs, a copy of which is herewith inclosed. This note was transmitted to me, by Sir Harry S. Parkes, for my consideration and approval. I declined to give it my approval, for the reasons, among others—

First. That it assumes that the two treaty-provisions above referred to take from Japan the right to make any general customs-regulations without the consent and concurrence of the several foreign consuls.

Second. That the foreign consuls have a right to determine upon all *means* and *measures* for the correction of any abuses and inconveniences that may cause complaint, "relative not only to the landing and shipping of goods, but also to the transaction of business at the custom-house."

Third. That the joint note condemns the notification of the 6th November last, issued by the commissioner of customs at Yokohama, which is as follows: "That after the lapse of ten days no application for the

refund of duties overpaid in error can be entertained." It seems to me that this notification, as it is termed, limiting the time within which application shall be made for the refund of duties overpaid in error, is as clearly within the power of Japan, under the treaty-provisions recited, to ordain without consulting foreign consuls, as it is within the power of Japan, without such consultation, to lay and collect duties upon imports within the express limitations of the treaties. It is clear that no nation can be held to have surrendered its essential power to limit in time the demands upon its own treasury without words expressly and manifestly surrendering such power. It will be observed that Japan has followed very closely our own example in making this limitation of time within which the demand shall be made upon her treasury for the refund of duties overpaid in error.

I have the honor to remark further that, inasmuch as the treaties with Japan are several, it is clearly the right of the United States, through its own consuls, without the consent or co-operation of other foreign consuls, to agree with the governors of the open ports upon such regulations as are authorized by the seventh article of the convention of 1866, and the like right belongs to the Austro-Hungarian power by virtue of the eleventh article of its treaty-regulations. But it does not follow that the Austro-Hungarian treaty in any wise takes away or restricts the right of the consuls of the United States to agree upon their own regulations with the local authorities of the several ports of Japan. The joint note, however, seems to assume that the co-operation of all foreign consuls is necessary for the enforcement of such regulations.

I hear of no special complaints from our consuls on this subject; on the contrary, I am just in receipt of regulations which meet the approval of the United States consul at Hiogo and Osaka, and which he says meet the approval of all the consuls there. It is also well to add that some regulations as to the landing, &c., of goods might answer our purpose at Hiogo and Osaka, which would not be at all acceptable or advisable at Yokohama.

It certainly would be very inconvenient in practice to allow a construction to obtain in Japan to the effect that an American consul could not consent to, and agree upon, regulations, under our own treaty, with the Japanese authorities at any open port, so long as any other foreign consul in Japan chose to disagree. Local co-operation among the foreign consuls at each port for regulations touching the landing of goods, &c., is certainly desirable where it can be obtained; the consuls at each port, however, acting for themselves exclusive of all others.

I respectfully ask your instructions in regard to this matter, and hope that my action may meet your approval.

I am, &c.,

JNO. A. BINGHAM.

[Inclosure 1 in No. 65.—Translation.]

Mr. Terashima to Mr. Bingham.

FOREIGN OFFICE, TOKYO,
2d month, 7th year of Meiji.

YOUR EXCELLENCY: Your excellency's predecessor communicated to his excellency Soyeshima Taneomi, late minister for foreign affairs, a dispatch, bearing date the 15th February of last year, stating that the action of the chief commissioner of customs in framing and issuing regulations without having previously consulted with the foreign consuls is in violation of the treaty.

I have now the honor to inform your excellency that, under the power and authority

vested in him, the commissioner of customs may frame and issue any regulations deemed necessary for the proper management of the custom-house business at the treaty-ports in this empire; and I would further remark, that the treaty does not say that all customs regulations shall be issued after consultation with the foreign consuls. The seventh article of the new convention of 1865, and the eleventh article of the trade regulations appended to the Austro-Hungarian treaty recently entered into, provide that foreign consuls shall be consulted as to the regulations to be established for removing inconveniences, causes of trouble in loading and discharging cargo, in hiring boats, coolies, &c. These articles relate only to the removal of inconveniences hitherto experienced, and are not to be applied usually in the framing of customs regulations, and therefore I cannot see that in issuing his regulations without having consulted the foreign consuls the commissioner of customs has in any way done anything conflicting with the stipulations in the treaty.

With, &c.,

TERASHIMA MUNENORI,

His Imperial Japanese Majesty's Minister for Foreign Affairs.

[Inclosure 2 in No. 65.]

Foreign representatives to Mr. Terashima.

YEDO, February 27, 1874.

YOUR EXCELLENCY: The undersigned have the honor to acknowledge the receipt of a dispatch from his excellency the minister for foreign affairs, dated the 15th instant, communicating to the undersigned his interpretation of the stipulations of the seventh article of the convention of 1866, as expressed both in that instrument and in subsequent treaties, and stating that in his opinion the said stipulations are not violated if the Japanese superintendents of customs of the various ports make customs regulations without consulting the foreign consuls.

The undersigned cannot agree with his excellency as to the construction which he endeavors to put upon the stipulations above named, and if by customs regulations he means the regulations and measures referred to in the various treaties, they are bound to point out to his excellency that the promulgations of regulations or measures referring to the transaction of business at the custom-house, to the lading and shipping of goods, and to the hiring of boats, coolies, servants, &c., without previous consultation with the foreign consuls, does constitute a violation of the previous aforesaid treaties.

That the stipulations in question do not refer solely, as his excellency remarks, to inconveniences which had in times past arisen, but to those which may arise at future date, is proved by the circumstances that the seventh article of the convention of 1866 was repeated in all the eight treaties which are successively negotiated by Japan with foreign powers after the conclusion of the said convention, and that the terms in which it was finally expressed in October, 1839, in the eleventh article of the regulations attached to the Austro-Hungarian treaty, leave no doubt as to its prospective character. That article reads as follows:

"In order to put a stop to the abuses and inconveniences at the open ports, relative to the transaction of business at the custom-house, the lading and shipping of goods, the hiring of boats, coolies, servants, &c., the high contracting parties have agreed that at each port the local authorities shall from time to time enter into negotiations with the foreign consuls, with a view to the establishment, by mutual consent, of such measures as shall effectually put an end to any complaints and shall afford all desirable facility and security, both to the operation and to private transactions, between foreigners and Japanese."

It will be seen, therefore, that this article clearly provides for the effectual correction from time to time, by means of negotiation between the local Japanese authorities and the foreign consuls, and by means of measures which shall have received their mutual consent, of any abuses and inconveniences that may cause complaint relative not only to the lading and shipping of goods, but also to the transaction of business at the custom-house, and to the hiring of boats, coolies, servants, &c. It also provides that the measures so agreed on shall afford all desirable facility and security to the operations of trade and to private transactions between foreigners and Japanese.

The object of these stipulations was to secure, by means of continuous friendly co-operation between the local Japanese authorities and foreign consuls, the adoption from time to time of such regulations as should be found necessary for the proper governance and effective protection of foreign trade. They were made in the spirit of mutual accommodation, and were observed, with advantage to all concerned, by the Japanese authorities, until 1872, when the latter assumed the power of issuing notifications and regulations affecting the rights and interests of foreigners, and restricting in some instances the business facilities already enjoyed, without any previous reference to the foreign consuls. Consequently, in their note *identique* of the 22d May all the foreign representatives requested that these objectionable notifications might be

reconsidered by the Japanese local authorities and the foreign consuls, in accordance with the aforesaid article of the Austro-Hungarian treaty. Instead, however, of this request being complied with, the note of the representatives was left entirely unnoticed by the Japanese government, and on the 6th of November last another notification was issued by the commissioners of customs at Yokohama, declaring, in face of the protest of all the foreign consuls, "that, after the lapse of ten days from the date of payment, no application for refund of duties overpaid in error can be entertained."

The undersigned cite this as an instance of the arbitrary manner in which some of the Japanese commissioners of customs are disposed to exercise their powers, and as a proof of the necessity of maintaining those provisions of the treaties which guard foreigners against such proceedings.

As the undersigned cannot consent to any abridgment of the rights guaranteed by treaties they must oppose the interpretation which his excellency seeks to put upon the above-quoted article of the Austro-Hungarian treaty. They, therefore, again request that the distinct stipulations of that article may be observed by the local Japanese authorities, and that they may be instructed to maintain with the foreign consuls the same friendly co-operation which previously existed. The undersigned feel it necessary also to again repeat to his excellency, that if regulations relating to the matters named in the aforesaid article of the Austro-Hungarian treaty continue to be published by the local Japanese authorities, without previous consultation with the foreign consuls and without their consent, such regulations will not be considered by the undersigned to be binding upon their subjects and citizens.

H. S. PARKES,
Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary.

BERTHEMA,
Minister Plenipotentiary of France.

LITTA,
Chargé d'Affaires of Italy.

M. BRANDT,
Minister Resident of the German Empire.

E. D'OJEDA,
Chargé d'Affaires of Spain.

OLAROUSKY,
Chargé d'Affaires of Russia.

No. 427.

Mr. Davis to Mr. Bingham.

No. 29.]

DEPARTMENT OF STATE,
Washington, March 20, 1874.

SIR: Your dispatches numbered 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, and 50 have been received.

With reference to your No. 44, of the 17th of January last, giving an account of the attempted assassination of Iwakura Tomomi, second prime minister of Japan, by several unknown persons, on the evening of the 14th of that month, I have to state that your course in communicating to Mr. Iwakura your expressions of sympathy for himself and family is approved by this Department.

I am, &c.,

J. C. B. DAVIS,
Acting Secretary.

No. 228.

Mr. Fish to Mr. Bingham.

No. 35.]

DEPARTMENT OF STATE,
Washington, April 20, 1874.

SIR: Referring to your No. 57, I have to say that you may accept from Sir Harry S. Parkes the sum of \$5,833.33, amount due the United

States from the new installment of the Simonoseki indemnity, as special damages, according to the arrangement made between the four powers; and, when paid, you may remit it by bill to Messrs. Morton, Rose & Co., in London, to be passed to the credit of the United States.

The subject of releasing the Japanese government from the payment of the residue of the indemnity has been twice before Congress without action. Had the other powers interested refrained from collecting their portions, this Government would not have been disposed to press for its portion, notwithstanding the refusal of Congress to act on the subject. But as the other governments interested have been paid, you will make known to the Japanese government our expectation of being treated in the same manner, and your readiness to receive an installment equivalent to the sums paid to each of the other powers. When this shall be paid to you, you will, in like manner, remit it to Messrs. Morton, Rose & Co., to be placed to the credit of the United States, and will in each case notify the Department of your action.

* * * * *

It has been the policy of the United States to act in concert with European powers in Oriental matters. The President has considered your suggestions respecting possible political or commercial objects of other powers conflicting with the interests of the United States, and he has come to the conclusion that it is for the interest of this country to continue the harmonious co-operative action which has been maintained by your predecessors. Treaty advantages gained by any other power must inure equally to the benefit of the United States under the provisions of article 9 of the treaty of 1854. If by reason of want of inertness of capital caused by a vicious system of taxation, American citizens cannot take advantage of them for the moment, the disabilities cannot last long, and the time must inevitably come when Americans will enter and enjoy the rich field which may be explored and opened by others for their use.

The Department, therefore, desires that you will act in harmony with your European colleagues as your predecessors have acted. If at any time you differ with them, there will probably be time enough allowed you to take the opinion of your government. Should there not be, you will act on your own judgment, assured that your action will be appreciatively judged by the Department.

Respecting the particular proposal of your colleagues for liberty to visit the interior, you will accede to it, with the modification as to Americans, respecting the proposed payment to consuls, which was suggested by my No. 14 of the 7th November.

I am, &c.,

HAMILTON FISH.

No. 429.

Mr. Bingham to Mr. Fish.

No. 76.]

UNITED STATES LEGATION, JAPAN,
Токеи, April 22, 1874. (Received May 25.)

SIR: I have the honor to inform you that for some days during the past week there were rumors that the government of Japan was about to send a military and naval expedition to Formosa for hostile purposes against the island, and that an American ship, the *New York*, belonging to the Pacific Mail Steam-Ship Company, and three citizens of the

United States, viz, General C. W. Le Gendre, Lieut. Commander Cassell, and Mr. Wasson, together with an English ship, the *Yorkshire*, had been engaged by the Japanese government to accompany the expedition.

On the 18th instant I addressed to the minister of foreign affairs a note, (inclosure 1,) and also called upon him personally, and made inquiry about the truth of the rumors as to the employment of American ships and citizens in such expedition. In this interview the minister said that it was not the intent of Japan to commit a hostile act against China, or any portion of the people of China in Formosa, but simply to demand of the aborigines of Formosa satisfaction for cruelties inflicted by them upon Japanese mariners wrecked upon the coast of Formosa; and that to effect this purpose the government was sending, with the knowledge and consent of China, a high commission to Formosa, under the protection of an armed force, to obtain amicably from the aboriginal chiefs a convention, which in future would prevent cruelty to the shipwrecked Japanese seamen. Having insisted upon a definite and immediate reply to my note of the 18th instant, on the 19th I received a note from the minister of foreign affairs, (inclosure No. 2,) with accompanying memorandum, (inclosure to inclosure No. 2,) in which you will note that the minister reiterates his verbal statement to me, that his government is on the point of sending a high commission to the aborigines of Formosa, and that troops accompany the mission for protection; and that his government is far from entertaining even the slightest intention of performing any hostile act against China. This paper clearly disclosed the fact that the expedition was about to proceed to Formosa and take such measures, "upon inflicting fitting retribution on the Formosans," as would enable the people of Japan to hereafter navigate their waters with safety, &c., and omitted any statement that this was to be done with the consent of China, whose jurisdiction over the island is admitted in the memorandum, and is therein attempted to be excluded from that portion of the island occupied by "these savages," upon the verbal reply of Tsung-li-yamun a year ago to the Japanese ambassador that the country of the aborigines of Formosa did not belong to China.

It seemed to me that this declaration of the purpose of the expedition, to commit hostilities against the Formosans without any satisfactory evidence of the assent thereto of China, whose territory and jurisdiction were to be invaded by the expedition, called for renewed protest on my part against employing American ships or citizens in such service. I immediately addressed to the minister for foreign affairs a reply to his dispatch of the 19th instant, (inclosure 4,) in which you will observe that I declare to him that I again protest against the employment of any ship or citizen of the United States in a military or naval expedition against Formosa until the written consent of China be first obtained in approval of the proposed expedition to that island.

It is proper to say that I consider my power in this behalf thus to interfere in any proposed action of the government of Japan against the territory of China in Formosa to be defined and limited by the act of June 22, 1860, (Statutes at Large, vol. 12, p. 72,) entitled "An act to carry into effect the provisions of the treaties between the United States, China, &c." The twenty-fourth section of this act gives jurisdiction to the minister on certain conditions, and declares that it shall be competent for the minister in Japan to issue all manner of writs to prevent the citizens of the United States from enlisting in the military or naval service of either of said countries to make war upon any foreign power with whom the United States are at peace.

I have the honor to call your attention especially to the demand, in my dispatch of the 19th instant to the minister for foreign affairs, that the American citizens and ship employed by the Japanese government in this expedition be detained from proceeding to Formosa with the expedition until the written consent of China thereto shall have been obtained. This demand is made upon the twenty-fourth section of the act cited, and, in my opinion, the written consent of China to the expedition and its purposes being first had, I would have no authority under the law to press my demand upon the Japanese government, for the prohibition of the statute only restricts employment in the military or naval service of Japan, &c., to make war upon a foreign power with which the United States are at peace. The consent of China being had to invade her territory in Formosa, excludes the conclusion that such invasion could be an act of war upon any foreign power, China being the only power in possession or claiming that island. Although no reply to my dispatch of the 19th has been given, I have received verbal communications from the minister for foreign affairs to the effect that the expedition will not proceed to Formosa, nor to any other part of the Chinese Empire without the written and authenticated consent and approval of the Chinese government thereto. I am also verbally informed by the minister that the proclamation (inclosure 5) of Sanjo, prime minister, has been recalled.

I also deemed it my duty to place in the hands of the minister for foreign affairs, with my dispatch of the 19th instant, notices in writing to Messrs. Le Gendre, Cassel, and Wasson, American citizens employed in this expedition, to the effect that they should not proceed in this military and naval expedition to Formosa until they have received further official orders and authority for so doing. I was assured yesterday by the minister, that the notices to Messrs. Cassell and Wasson were delivered on the 19th instant, and that the notice to General Le Gendre was forwarded to that gentleman at Nagasaki, where it would reach him before he went further.

Although the vessels of this expedition have sailed from this port to Nagasaki, I feel justified from the assurances given me by the minister for foreign affairs in asserting that no hostile act will be committed or attempted upon any foreign power with which the United States are at peace.

It has been my desire faithfully to discharge my duty and to maintain the rights of the United States in the premises, and, in doing so, to avoid the appearance of any unwarranted interference with the rights which pertain to Japan as a sovereignty. I submit the matter to your consideration, hoping that my action thus far will meet your approval, and especially desiring, should any new exigency arise of which you may be apprised by telegram, that you will, if you deem it important, instruct me by telegram.

I am, &c.,

JNO. A. BINGHAM.

[Inclosure 1 in No. 76.]

Mr. Bingham to Mr. Terashima.

UNITED STATES LEGATION, JAPAN,
Tokei, April 18, 1874.

YOUR EXCELLENCY: For the first time I learn, by an article in the Japan Daily Herald of the 17th instant, that the Japanese expedition, now being fitted out, "com-

prehends within its scope effecting a settlement on and subsequently, if permitted, a permanent occupation of the eastern side of the island of Formosa."

It is also asserted in the same article that "American ships have been employed to sail under the American flag on what must be regarded, in the absence of the necessary authoritative declarations, as a semi-filibustering expedition, and that Mr. Bingham, the American minister, has tacitly, if not expressly, sanctioned such employment," and that "the American government has so far sanctioned the expedition as to grant leave to officers in its service to identify themselves with it," &c.

Inasmuch as these charges gravely imply that your excellency's government is about to commit an act of war against China, or a portion of her people, I beg leave to know whether any ships of the United States have been chartered under the authority of the government of Japan to engage in a military expedition against and hostile to Formosa, and whether any officers or citizens of the United States have been employed by the government of Japan in such expedition.

It is due to myself to say that I have at no time been consulted about employing American ships or officers for any such hostile purposes. I was assured by two American citizens, who were invited to take employment in your excellency's government, that they were not to engage in hostilities against any power whatever, and that no act hostile to China or any portion of the people thereof, or any other power with which the United States is at peace, was contemplated by your excellency's government. It is due to my government that I should know at once whether any such hostile purposes are entertained by your excellency's government toward China, or any portion of her people, or any other power, as are attributed to it by the article I have cited, and I have the honor to request that your excellency will advise me without delay and definitely on that subject.

Without assuming that any such purposes are entertained by the Japanese government, I beg leave to say that it is my duty in the name of my Government to protest, as I do hereby protest, against the employment by your excellency's government of any ship or any citizen of the United States in any military or naval expedition hostile to the government or authority of China, or to any portion of her people, inasmuch as such employment is expressly forbidden and prohibited by the laws of the United States.

I am, with great respect, your excellency's obedient servant,

JNO. A. BINGHAM.

His Excellency TERASHIMA MUNENORI,
&c., &c., &c.

[Inclosure 2 in No. 76.—Translation.]

Mr. Terashima to Mr. Bingham.

TOKEI, the 19th, 4th month, 7th year Meiji.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's dispatch dated the 18th April, 1874, in which you state that you have learned, by an article in the Japan Daily Herald of the 17th instant, published at Yokohama, that a Japanese expedition to Formosa being now fitted out "comprehends within its scope a permanent occupation of the eastern side of the island of Formosa," and that it is also asserted in the same article that American ships have been employed to sail, and also that you have tacitly sanctioned such employment, and that your Government has sanctioned to engage your officers, &c.

The foregoing article implies that my government is about to commit an act of war against China or a portion of her people. In the same dispatch you express your anxious desire to know at once whether any ships of your country have been chartered under the authority of my government to engage in such expeditions against and hostile to Formosa, and whether any such hostile purpose is entertained by my government toward China and any portion of the people thereof. I beg leave, in reply, to say that, as I have detailed to you in our last interview, my government is on the point of sending a high commission to the aborigines of Formosa, to take such proper measures as will enable our people—upon our inflicting fitting retribution on the Formosans, who have recently pillaged and maltreated countrymen of ours cast away upon their coasts—to hereafter navigate their waters with safety. As a precautionary measure, however, and in case they should threaten to oppose our mission, troops accompany the expedition to guard against any emergency or opposition. My government is far from entertaining even the slightest intention of performing any hostile act against China.

Your excellency will perceive from what precedes that the officers and ships of your nationality engaged in this service are employed in a quiet and amicable undertaking, and without any hostile intent.

For your excellency's further information I have the honor to inclose memorandum concerning the present expedition to Formosa.

I am, with respect and consideration, your excellency's humble servant,

TERASHIMA MUNENORI,

His Imperial Japanese Majesty's Minister for Foreign Affairs.

His Excellency JOHN A. BINGHAM,

Envoy Extraordinary and Minister Plenipotentiary

of United States of America in Japan.

[Inclosure 3 in No. 76.—Translation.]

MEMORANDUM.

Memorandum concerning a high commission about to leave Japan for aboriginal Formosa, accompanied by a force sufficient for its protection, to inquire into the circumstances of the murder of fifty-four Japanese subjects there in December, 1871, and to take such steps as may be required to prevent the recurrence of such atrocities.

The cruel treatment of castaways by the inhabitants of aboriginal Formosa has long been a subject of much solicitude to mariners and to the government whose duty it is to afford them protection in their perilous avocations, and in more than one case western powers have had to resort to act of war against these tribes to punish them for their crimes. (*) At least eighteen of the southern tribes, under the chief Tanketok, being convinced they could not resist the power which experience had taught them could be brought to bear against them by England and America, made an agreement with the United States consul for Amoy and Formosa in 1867 to protect castaways. (†) To this agreement they have ever since remained remarkably faithful. (‡)

The eastern coast of aboriginal Formosa being very little known, it was indispensable, in order to prosecute the work of pacification of the tribes north of Tanketok's dominions, to first thoroughly explore it; and as this would have entailed considerable expense and labor, it was not followed up by any one until a circumstance occurred which has rendered it imperative for Japan to take an active part in this humane task. On the 11th of December, 1871, sixty-six Japanese subjects were wrecked on the eastern coast of aboriginal Formosa, in about latitude 22° 18' north, and all except twelve, who made their escape, were murdered by the Bontans, one of the tribes of that region.

On the 8th of March, 1873, four Japanese subjects were wrecked on the coast, (Mafoke,) and all the cargo on board their junk and everything in their possession was robbed.

When our ambassador went to Peking last year, and asked that an adequate punishment should be inflicted on these savages, the Tsung-le-yamen replied that their country did not belong to China. A reference to Chinese maps, whereon, of all that was known of the island of Formosa by the Dutch in 1635, only the Chinese possessions therein—that is to say, the northern and a portion of the western coast—were marked, convinced our ambassador that not only was His Imperial Chinese Majesty's government sincere in making this affirmation, but that it really had no desire to extend its sway over the island farther than the natural boundary formed by the chain of mountains that separates Chinese from aboriginal Formosa and stretches from Pong-lee to San-o Bay.

On the return of the embassy to Tokei orders were issued to make preparations for a high commission to be sent to aboriginal Formosa to investigate the circumstances of the murder of our countrymen, and to take such other steps as may be found necessary to insure the non-recurrence of such tragedies there. These preparations being com-

(*) The Dutch sent an expedition against the Bontans, 1654. (See relation de la prise de l'isle Formosa, par les Chmois, le cinquieme Juillet, 1661, traduite de l'Hollandois; Paris, MDCLXIII pages 36 and 37.) Her Britannic Majesty's steamer Cormorant, Captain Broad, bombarded the Koaluts on the 26th of March, 1867; Admiral Bell landed a force of marines at Kewaliang Bay, in June, 1867. (See Report of United States Secretary of Navy, 1867, pages 54 to 57.)

(†) An effort was made at this time by the consul to induce the Chinese to annex that portion of aboriginal Formosa that lies south of Pong-lee, (see United States Diplomatic Correspondence for 1868-'69, pages 505 to 510,) but the central government declined doing so. (See United States Commercial Relations for 1869, page 69.)

(‡) Wreck of Bashee planders (?) September, 1869. (See Customs Gazette, published by order of inspector-general of customs, Shanghai, December 9, 1869, page 64.) Wreck of Mr. Horn, in November, 1869. (See Customs Gazette, quoted above, 17th February, 1870.) Wreck of London Castle, in July, 1871. (See official manuscript narrative of the occurrence, by Mr. Pelham Warren, of Her Britannic Majesty's consulate, Tokei.)

pleted, the commission is now about to leave Japan. It will be accompanied by a force, which, it is hoped, will give such emphasis to the words of persuasion which the high commissioner is instructed to use toward the Bontans, as will compel them, without effusion of blood, to give satisfaction, and such assurances for the future as Japan has a right to demand.

[Inclosure 4 in No. 76.]

Mr. Bingham to Mr. Terashima.

UNITED STATES LEGATION, JAPAN,
Tokei, April 19, 1874.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's dispatch of this date, in reply to mine of the 18th instant, relative to the employment by your excellency's government of American ships and American citizens in an expedition to Formosa.

Your excellency reiterates in this dispatch the assurance given to me verbally in our interview of yesterday, that the government of Japan is "far from entertaining even the slightest intention of performing any hostile act against China," and that the officers and ships of the United States engaged by Japan in the proposed expedition are "employed in a quiet and amicable undertaking, and without any hostile intent."

Upon careful consideration of your excellency's dispatch and its inclosure, I am constrained to say that I deem it my duty to again protest against any ship or citizen of the United States of America being sent to Formosa by your excellency's government in connection with a military and naval force, as proposed, until the written consent of China be first obtained in approval of the proposed expedition to that island. Although your excellency's government may intend no hostile act by sending out a high commissioner to the aborigines of Formosa, under the protection of an armed force, China may decide that such act is hostile to her government within the territory of Formosa, and may accordingly meet and resist it with force of arms. To avoid such a result, which would be most unfortunate for Japan, I cannot but say that Japan, before approaching Formosa, should obtain the written and authenticated consent of the Chinese government to the expedition proposed and its objects. This is surely in accordance with the custom and usage of nations. I have heretofore understood that the consent of China had been obtained, but am pained to say that I find no evidence of the fact in the dispatch received by me.

I have further to request that the United States ship New York and the three citizens of the United States, to wit: General Le Gendre, Lieutenant-Commander Cassel, and Mr. Wasson, employed, as I am verbally informed, by your excellency's government, be detained by your excellency's government from proceeding to Formosa with this expedition until the written consent of China thereto shall have been obtained by the government of Japan.

I am, with great respect, your excellency's obedient servant,
JNO. A. BINGHAM.

His Excellency TERASHIMA MUNENORI,
His Imperial Japanese Majesty's Minister for Foreign Affairs.

[Inclosure 5 in No. 76.—Translation.]

Proclamation of prime minister of Japan.

It is hereby notified that, during the 4th year of Meiji, in the 11th month, (November, 1871,) some of the people of the Loochoo province were wrecked on the Formosa coast, and 54 of their number killed by the barbarians of Formosa.

Again, during the 3d month of the 6th year, (March, 1873,) four people of the Oda district were wrecked there, and were there maltreated.

During the visit of Tane-omi Soyeshima, as ambassador to the court of China to ratify the treaty during last year, he made reference to these matters, and was told that the barbarians referred to were in a part of that island which was not under the Chinese jurisdiction.

As this island of Formosa is near to Japan, and such wrecks as described may occur again, it seems necessary for the protection of our commerce that the people inhabiting these parts of Formosa should be restrained from committing such acts in the future. And in pursuance of this determination Saigo, as chief, with a number of

subordinates, has been dispatched thither, with instructions to investigate the preceding matters and to institute such proceedings as shall guarantee safe conduct for our people in the future.

As it may be possible that these people may not pay proper regard to his mission, and create a disturbance, (warlike,) a sufficient guard has been dispatched with him.
April 17, 1874.

SANJO SANEYOSHI.
DAIJO DAIJIN.

No. 430.

Mr. Bingham to Mr. Fish.

No. 78.]

UNITED STATES LEGATION, JAPAN,
Tokei, April 24, 1874. (Received May 26.)

SIR: Since writing my dispatch No. 76, of date the 22d instant, in relation to the expedition to Formosa, I have received the reply of the minister for foreign affairs to my communication to him on the same subject, dated the 19th instant, which reply, and my answer thereto, are herewith inclosed, (inclosures 1 and 2.) It is a pleasure to make mention of the prompt compliance of the Japanese government with my demand, that neither the American ship New York nor the American citizens in the employment of the Japanese government should be permitted to proceed with the proposed armed expedition to Formosa without the written consent of China to the expedition. You will notice that this government has sent orders forward to detach the New York and the citizens of the United States from the expedition, which orders, I am assured, will reach Nagasaki before the expedition proceeds farther. I am of the opinion that the expedition will be abandoned, but in case China should expressly consent in writing that the high commissioner of Japan, under the protection of an armed force, may proceed to Formosa to obtain from the aborigines some security against any future outrages upon Japanese seamen wrecked upon that coast, I do not see that I have any authority to forbid the employment, for such purposes, of American citizens, inasmuch as such service would not be a making of war upon a power with which the United States are at peace, nor indeed upon any power.

I respectfully desire full instructions upon the subject, and beg leave to again express the hope that my action thus far may meet your approval.

I am, &c.,

JNO. A. BINGHAM.

[Inclosure 1 in No. 78.—Translation.]

Mr. Terashima to Mr. Bingham.

No. 26.]

The 22d of 4th month of 7th year of Meiji.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's dispatch, No. 33, of the 19th April, 1874, informing me of your non-approval of the proceeding to Formosa of three American citizens, to wit, General Le Gendre, Lieutenant-Commander Cassell, and Mr. Wasson, for the present affair, who were engaged in the service of the Japanese government, and of the employment of the United States vessel New York as transport in the same service.

In reply, I beg leave to say that, in compliance with your request, instructions for the detachment of the above-named citizens and vessel have already been forwarded to the proper authorities, and that the necessary steps have also been taken to transmit with dispatch your letters addressed to those gentlemen.

With respect, &c.,

TERASHIMA MUNENORI,
His Imperial Japanese Majesty's Minister for Foreign Affairs.

[Inclosure 2 in No. 78.]

Mr. Bingham to Mr. Terashima.

No. 26.]

UNITED STATES LEGATION, JAPAN,
Токей, April 23, 1874.

YOUR EXCELLENCY: It gives me pleasure to acknowledge the receipt of your excellency's dispatch, No. 26, dated 22d instant, in reply to my dispatch of the 19th instant, in relation to the proposed expedition by the government of Japan to Formosa.

Your excellency's government has my thanks for so promptly recognizing the rights of the United States, and ordering that neither the American ship New York nor the American citizens named in my dispatch shall proceed with the armed expedition to Formosa, but shall be detached from that service.

I beg leave to add that, while it is not the desire of my government to interfere in the relations of Japan with other powers, the law of the United States declares that the citizens thereof shall not enlist in the military or naval service of any foreign power to make war upon any power with which the United States is at peace.

I have every assurance that your excellency's government will take care that this provision of American law shall be respected by all persons in the service of your excellency's government.

I am, &c.,

JNO. A. BINGHAM.

No. 431.

Mr. Bingham to Mr. Fish.

No. 83.]

UNITED STATES LEGATION, JAPAN,
Токей, May 19, 1874. (Received June 23.)

SIR: At the request of Commander George E. Belknap, commanding the United States steamer Tuscarora, now in port at Yokohama, I addressed to his excellency, the minister for foreign affairs, on the 5th instant, a note, informing him that Commander Belknap was instructed by the honorable the Secretary of the Navy to examine and ascertain a place on the coast of Japan suitable for landing a submarine cable, and to that end to obtain permission of this government.

The minister kindly and promptly granted this request, and so informed me. This day he sent to me a full permit, authorizing Commander Belknap to enter any port in Japan, obtain supplies, make the examination, &c., and also assigned to him from the foreign office an interpreter. I am also informed by the minister that he has issued orders to the local authorities to extend to Commander Belknap due courtesy, and to afford him every facility for his work.

I am, &c.,

JNO. A. BINGHAM.

No. 432.

Mr. Bingham to Mr. Fish.

No. 84.]

UNITED STATES LEGATION, JAPAN,
Токей, May 20, 1874. (Received June 23.)

SIR: On the 4th instant I received from Sir Harry S. Parkes a dispatch in which, referring to his dispatch of the 23d February last of which I acquainted you, he informs me of the receipt by him of another installment of the Simonoseki indemnity, of which, as he states by the agreement of Paris, he "holds on your [my] account a second sum of

\$5,833.33." I have replied that as at present advised I have no suggestions to make touching the matter of the indemnity of which he speaks.

It may be proper to say that Mr. Woogeno, the assistant minister of foreign affairs, has told me verbally (when speaking of the installment of February last) that no part of it was paid on account of the United States.

Be that as it may, it has seemed to me, under your instructions No. 19, dated 8th January last, not advisable for me to receive money on this account from the English minister in the absence of any demand by our government for its payment. Having advised you of a like sum tendered by Sir Harry Parkes in February, I may add that, in the absence of instructions from the Department to receive it from him, I did not feel authorized to do so.

I respectfully await your instructions, and beg leave to suggest that it seems to me that, until our government is ready to demand and receive all the unpaid balance of this indemnity, it would be better not to receive small amounts of it, as demanded and received from time to time by the English minister.

I am, &c.,

JNO. A. BINGHAM.

No. 433.

Mr. Bingham to Mr. Fish.

No. 88.]

UNITED STATES LEGATION, JAPAN,
Tokai, June 3, 1874. (Received July 6.)

SIR: As will appear by the inclosure, herewith, addressed to me by Mr. Dickins, as counsel, A. C. Dunn, a citizen of the United States, has instituted suit for breach of contract against certain Japanese subjects in a Japanese tribunal, which suit is still pending. It further appears from this letter that the Japanese court having jurisdiction of the case refuses to Mr. Dunn, the plaintiff, process to compel the attendance of his witnesses. It would seem that this refusal is in flagrant disregard of article 6 of the treaty of 1858, which provides that the Japanese courts shall be open to American citizens for the recovery of their just claims against the Japanese. When it is considered that the limits to travel to foreigners are defined and restricted under the treaty, this refusal of the court to issue and execute process, especially outside of the concession to foreigners, might be called a denial of justice.

Inasmuch as this is a private contest, over which I have no official jurisdiction, I have thought it best, before taking any action with the government, to ask your instructions for the government of my course, not only in this, but also in all other like cases that may arise.

I am, &c.,

JNO. A. BINGHAM.

[Inclosure in No. 88.]

Mr. Dickins to Mr. Bingham.

YOKOHAMA, *May 30, 1874.*

SIR: I beg to apply for your assistance on behalf of an American citizen, Mr. Dunn, under the following circumstances: Mr. Dunn is plaintiff in an action now being

heard in the Tskiji Saibausho, brought by him against the Japanese Petroleum Company for wrongful dismissal from his employ in their service as chief engineer. The case was part heard on adjournment yesterday. As Mr. Dunn's counsel, I applied to the court to summon two Japanese witnesses to appear to give evidence for him. These witnesses had expressed a disinclination to appear unless summoned, probably because they wished to avoid all semblance of partiality for either side. My application was much insisted upon by me, and the obvious reasons for it pointed out, but the court absolutely refused to summon the witnesses, alleging that by the rules of the court each party had to bring his own witnesses, and the court only summoned those whom, for its own satisfaction, it wished to examine. I asked to see such rules, but none such were shown, and indeed did not appear to exist in a written form. I have several times conducted cases in the Kanagawa kencho, and also before the gaimusho, but have never before experienced any difficulty in procuring the authorities to summon such witnesses as might be required.

The answer to my client's petition (which answer was never served upon us) charges him with falsely representing himself as a competent engineer, with being an incompetent one, and with disobedience to orders. The witnesses in question are necessary to my client for the rebuttal of both the charge of incompetency and that of disobedience.

Trusting, sir, that you may see fit to assist my client in such way as your experience may deem advisable toward obtaining a just hearing of his claim,

I have, &c.,

FRED'K DICKINS,
Counsel for Mr. Dunn.

No. 434.

Mr. Bingham to Mr. Fish.

No. 89.]

UNITED STATES LEGATION, JAPAN,
Токей, June 3, 1874. (Received July 6.)

SIR: It seems to me important to communicate to you the fact that the prime minister, Sanjo, who in April made and withdrew a proclamation of hostilities against Formosa, on the 22d of May issued a new notification, as it is termed, a copy of which I herewith inclose.

It is clear to my mind that the landing of an armed expedition in Formosa under this proclamation, for the purposes therein declared, imposes upon China the necessity of deciding whether it shall be considered an act of war. On this point I had some conversation with the minister for foreign affairs on yesterday. He said to me that the government had information of the landing of the Japanese troops on the southeast of Formosa, where they had been attacked by the Bontons, who were repulsed after some loss of life on both sides. He also said that he had received the further information that the Chinese government had despatched a gunboat to Formosa, carrying a high commissioner, with instructions to treat with Saigo, who is in command of the expedition.

I could not gather from the conversation that the minister had any assurance that China would acquiesce in the armed occupation of any portion of the island for any considerable time by the Japanese forces. He intimated, however, that the government awaited communications directly from the Japanese envoy, who is reported to have arrived in Peking.

In my No. 78, of April 24, I informed you of the fact that the minister for foreign affairs, upon my protest against the employment of American citizens and vessels in hostile operations against China, had detached the steamer New York from service in this expedition. I omitted to state the fact that the agent of the Pacific Mail-Steamship Company, Mr. Center, called upon me and signified his desire that the steamer

should be so detached, and his entire approval of the order of the Japanese government detaching it from the service. After the order had been sent forward by the minister for foreign affairs, Mr. Center again called upon me and expressed apprehensions that the soldiers of the expedition and the officers in command then at Nagasaki would, in disregard of the order, force the ship to sail with the expedition to Formosa. He requested me to notify our consul at Nagasaki, Mr. Mangum, and request his aid in enforcing the order of the foreign office. In compliance with this request, I delivered to Mr. Center, to be forwarded at his expense, a telegram to Mr. Mangum, informing the latter gentleman that the steamer New York had been detached by order of the Japanese government from the Formosa expedition, and that he should accordingly detain her in port. I am not advised that he had occasion to intervene; but, as I before informed you, the steamer was, in obedience to the orders of the Japanese government, discharged from that service.

In this connection I beg leave to inform you that some days since Mr. Lung Wing, appointed by the government of China commissioner of education for the instruction of Chinese youths in the United States, called upon me and stated that he was instructed by the governor of Shanghai to thank me for intervening to prevent the employment of the American vessel, New York, in the Formosan expedition. I also learned from him that the Chinese government had a considerable number of troops in Formosa, and also a number of gunboats in the adjacent waters, and he seemed to be of opinion that, unless the Japanese speedily left the island, or gave assurance to the Chinese government of their intention to remain but temporarily, there would result a conflict of arms between the Japanese and Chinese forces.

I await with interest your instructions upon these important matters, involving, as they do, our treaty obligations both to Japan and China.

I am, sir, &c.,

JNO. A. BINGHAM.

[Inclosure.—Translation.]

Proclamation of the Prime Minister.

NOTIFICATION NO. 65.

MAY 19, 1874.

To In, Sho, Shi, Fu, and Ken:

In the 11th month of the 4th year of Meiji (November, 1871) fifty Loochooans, who were cast ashore in the savage part of Formosa, were murdered by the natives. In the 3d month of the 6th year of Meiji (March, 1873) four men of the Oda Ken were cast ashore there and treated in a brutal manner. These affairs were the subject of representation to the government of China by our ambassador plenipotentiary.

Now, Formosa not being far from Japan, it is probable that there will be other cases, from time to time, of Japanese being cast ashore there, and considering the progress which is gradually being made in navigation, it may be expected that our people will in future visit that country.

Under such circumstances the repetition of similar outrages is gravely to be apprehended, and His Majesty has therefore at this time appointed Saigo Tori Meiji general of the second rank, commander of an expedition to that island. It will be his duty, first, to call to an account and deal with the persons guilty of outrages on our subjects; and, secondly, to take such steps as will insure the safety of our people's navigation in the future.

The above is hereby notified.

SANJO SANEYOSHI.
DAIJO DAIJIN.

No. 435.

Mr. Fish to Mr. Bingham.

No. 43.]

DEPARTMENT OF STATE,
Washington, June 6, 1874.

SIR: Referring to your Nos. 76 and 78, dated respectively the 22d and 24th of April last, relating to an expedition which the Japanese government propose to send to Formosa, I have to state that the twenty-fourth section of the act of 1860, referred to in your No. 76, is probably intended to authorize a minister in countries where rights of extra-territoriality are granted to the United States, to exercise the powers conferred upon the President by the 8th section of the neutrality-act of 1818, as well as the power or some of the powers possessed by the courts under that act.

To constitute an offense under either of the acts, there must be a purpose of carrying on war with a power with which the United States are at peace, and the offender must contemplate taking part as a belligerent. The engaging in the transportation of troops, or the dealing in arms and munitions of war, do not come within the classes of acts which are made penal by the statute of 1818.

While it is to be desired that the international duties of the United States towards belligerent nations should be enforced in the East as strictly as they would be enforced in the West, on the other hand it is not desirable to put any unnecessary restriction on the freedom of American commerce or the liberty of American citizens to use their talents in the service of oriental nations. Unless there were either an existing war between China and Japan at the time of the enlistment of the Americans referred to, or an immediate purpose of war with reference to which the enlistments were made, the enlistments were no violation of the international duties of the United States nor of the laws of the United States.

The Department fully confides in your discretion and does not deem it necessary to give you any further instructions on the subject.

I am, &c.,

HAMILTON FISH.

No. 436.

Mr. Bingham to Mr. Fish.

No. 94.]

UNITED STATES LEGATION, JAPAN;
Tokai, June 17, 1874. (Received July 21.)

SIR: In my No. 84, of date the 20th ultimo, I informed you that on the 4th ultimo I received from Sir Harry S. Parkes a note to the effect that he held a further installment of \$5,833.33 of the special compensation due the United States from the Simonoseki indemnity. Since that time I have received your instruction No. 35, directing me to receive from Sir Harry Parkes a like sum reported in my No. 57, of date February 23, and to remit the same by bill to Messrs. Morton, Rose & Co., in London, to be passed to the credit of the United States.

Inasmuch as your instruction substantially authorizes me to receive all the unpaid balance of the Simonoseki indemnity and remit the same in like manner, I have obtained a bill for the two several amounts paid to me by Sir Harry Parkes of \$5,833.33, each, for the gross sum of £2,479 3s. 4d., drawn by the Oriental Banking Corporation at Yokohama, on the Bank of England to my order, which I have this day remitted,

indorsed to the order of Messrs Morton, Rose & Co., London, with request to pass the same to the credit of the United States. I inclose herewith the exchange voucher of the manager of the Oriental Banking Corporation.

I have the honor to inform you that in further pursuance of your instruction No. 35, on the 10th instant I addressed to the minister for foreign affairs a communication, (inclosure No. 2,) acquainting him that the United States expects to receive from Japan the unpaid residue of the Simonoseki indemnity, inasmuch as the other powers interested are receiving the balances due them.

With reference to your instructions touching the joint note of the ministers of the other powers respecting an arrangement to travel and trade in the interior, I have the honor to say that I have given the same full consideration and will act in accordance therewith.

I am, &c.,

JNO. A. BINGHAM.

[Inclosure 1 in No. 94.]

EXCHANGE VOUCHER.

ORIENTAL BANK CORPORATION,
Yokohama, June 16, 1874.

I hereby certify that the sight-rate on London ruling in Yokohama this date is 4s 3d. per dollar, and at this exchange the sum of \$11,666.66 = £2,479 3s. 4d.

For the Oriental Bank Corporation:

J. ROBERTSON,
Agent.

S. W. THOMSON,
Acting Accountant.

[Inclosure 2 in No. 94.]

Mr. Bingham to minister for foreign affairs.

No. 48.]

UNITED STATES LEGATION,
Tokei, June 10, 1874.

YOUR EXCELLENCY: I am instructed by my Government, under date 20th April, to inform your excellency's government that had the other Powers interested refrained from collecting their portions of the unpaid residue of the Simonoseki indemnity, the government of the United States would not have been disposed to press for its portion remaining unpaid, but that inasmuch as the other powers interested had demanded and been paid on account of the remaining portion of the indemnity, the government of the United States expects to be treated in the same manner.

In obedience to these instructions, I have the honor to acquaint your excellency that I am authorized and ready to receive, on behalf of the United States, an installment of the indemnity equivalent to the sums paid to either of the other powers.

I have, &c.,

JOHN A. BINGHAM.

No. 437.

Mr. Bingham to Mr. Fish.

No. 95.]

UNITED STATES LEGATION, JAPAN,
Tokei, June 18, 1874. (Received July 21.)

SIR: Since writing my dispatch No. 89, dated the 3d instant, I have become possessed of further information in regard to the expedition against Formosa, which it seems to me important to communicate.

* * * * *

I am to-day in receipt of a communication from Mr. Williams, at Peking, (inclosure 2,) under date the 26th ultimo, in which he incloses to me a copy of a communication addressed to him by Prince Kung, (inclosure in 2,) chief secretary of state for foreign affairs, dated the 17th ultimo. You will notice in this communication that the prince expressly avers that the region occupied by the aborigines of Formosa "is a portion of the domain of China." It is also to be observed that he states that the foreign ministers have informed him in respect to the Japanese expedition, that by the law of nations the treaty powers at peace with China are not permitted to assist the Japanese, and that they will at once notify their officials, &c., against aiding the Japanese with arms and ammunition. Without further quoting Prince Kung's letter to Mr. Williams with reference to our treaty obligations, &c., it is proper to state that, on the 18th ultimo, I communicated to Mr. Williams (in reply to his letter dated April 24, and inclosed with my No. 82) the action I had taken to prevent the employment by this government of American citizens, or vessels, in hostilities against Formosa; a copy of which letter is herewith inclosed, (inclosure 3.) On the same day I also addressed to Mr. Seward, at Shanghai, a communication in relation to my action in the premises, (inclosure 4,) to which I received a reply under date 30th ultimo, (inclosure 5.)

I have the honor to report further that I have received from Rear-Admiral Pennock, commanding the Asiatic squadron, a copy of a telegram from Commander Kautz, United States steamer *Monocacy*, at Amoy, and a copy of his (the admiral's) reply thereto, copies of which telegrams are herewith forwarded, (inclosure 6.) You will notice from the telegram of Commander Kautz that the Chinese viceroy has ordered the Japanese to leave Formosa, and has requested the American consul at Amoy to prevent American citizens from assisting the Japanese, and that the consul has invoked the aid of the commander. To this the admiral has replied that the commander shall order all American citizens to withdraw from all enterprises unfriendly to the Chinese government, &c.

From what I have herein stated, it seems not improbable that the Chinese government, having declared against the hostile invasion of its territory by Japan, and having notified the Japanese to vacate the same, may follow this action by a direct appeal to arms. In view of all the facts, the action taken by Japan on the 18th and 19th April last, seems to have made necessary the protests made by me (heretofore communicated to you) in obedience to the requirements of the law of 1860, of the law international, and of the treaty obligations of the United States. I trust that my dispatches herein stated to our officials in China, informing them of my official action here and of the result thereof, may meet your approval.

I am, &c.,

JNO. A. BINGHAM.

[Inclosure 2 in No. 95.]

Mr. Williams to Mr. Bingham.

LEGATION OF THE UNITED STATES,
Peking, May 26, 1874.

SIR: Since I wrote you last month, giving the principal items in the reply made by this government to the announcement that the Japanese were about invading Formosa to punish the aborigines there, we have heard that the expedition has been re-

called, and also that a landing had been effected in the southwestern corner of the island. These statements are probably both true in a measure, and we wait with interest to learn the course of events in relation to this curious episode of Japanese history.

The Chinese authorities had heard of the engagement of General Le Gendre in the service of the Japanese, and other things connected with the expedition, and paid me a visit very soon after to see whether I would not issue a proclamation of neutrality. They have been, I think, much perplexed and alarmed about this whole affair; and I gave them my opinion as to the desirableness of a resident minister in Yedo, for if they had had one they could have learned the facts of the enterprise, and not have been obliged to trust to newspapers and rumors in a case of so much importance to them. Seeing, too, that they had good serviceable ships of their own building, I said it was desirable to station them about Formosa, where they could at least observe the proceedings of the Japanese vessels.

They sent me a dispatch a few days after on the subject, and I have deemed that it might be of some interest to you, and now inclose a translation, with a copy of my reply.

We have not heard of the arrival at Shanghai of the newly-appointed Japanese, and when he reaches Peking he will probably learn something, and tell them more about this matter.

With great respect, &c.,

S. WELLS WILLIAMS.

P. S.—Referring to my last note, I wish to add that, since writing it, I have read the dispatch, No. 302, of Mr. De Long, addressed to Mr. Fish, November 6, 1872, in which the relations of the Lewchewans to Japan are fully set forth. Those islands are more entirely incorporated into the Japanese Empire than I had supposed.

[Inclosure in 2 in No. 95.]

TUNG-CHI, 13th year, 4th moon, 2d day. (May 17, 1874.)

Prince Kung, chief secretary of state of foreign affairs, herewith makes a communication.

I learn by official reports and recent newspapers that the Japanese government is about sending troops and ships to Formosa, to the territory occupied by the aborigines, and I suppose your excellency has also heard the same things. The region occupied by these aborigines is a portion of the domain of China, but the government of Japan has not yet plainly declared its intentions in sending troops there. The foreign ministers have informed me, however, (in respect to this movement,) that, according to international law, those countries which are at peace with China are not permitted to assist the Japanese, and that they will at once notify their officials and merchants that they are forbidden to aid them with arms and ammunition. This is a clear proof of their friendly sentiments.

The United States and China have long been on terms of cordial amity, as the first article of their treaty provides as follows:

"There shall be, as there has always been, peace and friendship between the United States and China, and between their people, respectively. They shall not insult or oppress each other for any trifling cause so as to produce an estrangement between them; and if any other nation should act unjustly or oppressively, the United States will exert their good offices, on being informed of the case, to bring about an amicable arrangement of the question, thus showing their friendly feelings."

This article is very explicit as to the mutual aid which our two countries shall render each other, and is what is universally understood. Since this treaty went into effect all the American ministers who have come here, and your excellency, too, have upheld its stipulations. But I have now heard that the United States has loaned one of its men-of-war to the Japanese to convey troops to Amoy; also, that two of the commanders of the Japanese vessels are American officers, and that General Le Gendre, a former United States consul, is with them, and that the [Pacific Mail] steamer New York has been chartered to convey troops, stores, &c., to Formosa.

I desire, therefore, that your excellency will speedily inquire into this matter, to the end that treaty stipulations may be carried out and these proceedings stopped, and, if they prove to be as reported, that General Le Gendre, with the officers and all the ships, may be at once recalled.

This will be fulfilling the provisions of the treaty and will strengthen our amicable relations.

It is also what I confidently expect, and is the object for which I make this communication.

His Excellency S. WELLS WILLIAMS,

United States Chargé d'Affaires.

[Inclosure 3 in No. 95.]

*Mr. Bingham to Mr. Williams.*UNITED STATES LEGATION,
Токеи, May 18, 1874.

SIR: I tender you my thanks for your communication of the 24th ultimo in relation to the Formosan expedition and the telegram of General Le Gendre.

General Le Gendre holds, as I am informed, a military commission under the government of Japan. I do not know to whom he refers in his telegram as "interested parties," but it is not unreasonable to suppose that he looks upon the United States as an interested party.

I deem it due to the Government of the United States to acquaint you somewhat with my action in relation to the Formosan expedition. Before any part of the expedition had left Japan, viz, on the 18th and 19th days of April last, I placed in the hands of the Japanese minister for foreign affairs my written protests against the employment by the Japanese government of any ship or citizen of the United States in an armed expedition against Formosa, until the written consent thereto of the government of China should have been first obtained by the government of Japan. On the 22d ultimo, and while the expedition still remained in port at Nagasaki, I received from the minister for foreign affairs a dispatch in which he said that in compliance with my request the steamer *New York*, and General Le Gendre, Lieutenant-Commander Cassell, and Mr. Wasson, citizens of the United States, had been detached from the expedition, and that orders had been forwarded by the government to Nagasaki to that effect. I have since been assured verbally by the minister for foreign affairs that the orders so issued were duly delivered at Nagasaki, before any portion of the expedition sailed, together with written notices addressed by me to the persons above named, to the effect that they should not proceed with the expedition without further authority and instructions. General Le Gendre did not accompany the expedition from Nagasaki, but has returned, as I am informed, to Yedo.

You will please make known to the government of China the action that I have taken, as herein stated, in behalf of the United States.

I cannot say that I am fully advised of all the purposes of Japan in this matter, but I have been assured, verbally, by the minister for foreign affairs that it is not the purpose of his government to make any descent upon Formosa, with force, without the consent of China. Having been informed of some verbal consent given to Soyeshima last year, I deemed it proper to say to the minister for foreign affairs, that, to prevent any misunderstanding, he should, before action, obtain from the government of China consent in writing to the expedition and its declared objects.

Be assured, my dear sir, that I have every desire to maintain in good faith the treaty obligations of the United States with China.

I am, &c.,

JNO. A. BINGHAM.

[Inclosure 4 in No. 95.]

*Mr. Bingham to Mr. Seward.*UNITED STATES LEGATION,
Токеи, May 18, 1874.

SIR: From information recently received I deem it proper to say to you that before any expedition left Japan for Formosa, or any other portion of China, viz, on the 18th and 19th ultimo, I made written protest to the minister for foreign affairs against the employment, by Japan, of any ship or citizen of the United States in an armed expedition against Formosa, until the written consent of China thereto should have been first obtained by the government of Japan.

On the 22d of April, and while the expedition still remained in port at Nagasaki, I received from the Japanese minister for foreign affairs a dispatch, in which he said that in compliance with my request the ship *New York*, and Le Gendre, Cassell, and Wasson, citizens of the United States, had been detached from this service.

It may be proper that you acquaint the Chinese authorities of this, and say to Mr. Williams at Peking that I will fully advise him.

You will, I doubt not, see that the provisions of the act of 1860, 12, Statutes at Large, page 72, (to carry into effect the treaties with China and Japan,) be respected by citizens of the United States in China.

I am, &c.,

JOHN A. BINGHAM.

[Inclosure 5 in No. 95]

Mr. Seward to Mr. Bingham.

No. 22.]

UNITED STATES CONSULATE GENERAL,
Shanghai, May 30, 1874.

SIR: I have had the honor to receive your dispatch of the 18th instant in regard to the expedition to Formosa. I have sent letters to the appropriate consuls in China embodying the information contained in your dispatch and saying that I think that any steps which they may take to discourage, or, within the provisions of law, to prevent our people from taking part in such expedition will meet the warm approval of our Government.

I have sent a copy of your letter to Dr. Williams.

I am, &c.,

GEORGE F. SEWARD,
Consul-General.

[Inclosure 6 in No. 95.]

Telegram from Commander Kautz, and Admiral Pennock's reply.

A.

JUNE 4, 1874.

Captain COLHOUN, *Hartford, Yokohama:*

Viceroy (Chinese) has ordered Japanese to leave Formosa. Requests consul to prevent American citizens from assisting Japanese. Consul asks me to assist him in compelling Americans to leave the Japanese forces in Formosa.

I await your orders.

KAUTZ.
Monocacy, Amoy.

B.

JUNE 4, 1874.

Commander ALBERT KAUTZ,

United States Steamer Monocacy, care American consul, Amoy, China:

Notify and command all American citizens to abstain and withdraw from all enterprises unfriendly to the Chinese government, and to avoid all acts which are inconsistent with treaty obligations, on pain of forfeiting all claim to American protection.

PENNOCK.
Rear-Admiral.

No. 438.

Mr. Fish to Mr. Bingham.

No. 55.]

DEPARTMENT OF STATE,
Washington, July 20, 1874.

SIR: I am in receipt of your dispatch of June 3, 1874, No. 88, in reference to the refusal of the Japanese court to issue process to compel the attendance of witnesses in a civil proceeding commenced by A. C. Dunn, an American citizen, in the Japanese court, and of the written statement of Mr. Dickins, the counsel of Mr. Dunn, as to the facts of the case.

From such statement it appears that the court refused to summon the witnesses as requested, "alleging that by the rules of the court each party had to bring his own witnesses, and that the court only summoned those whom for its own satisfaction it wished to examine," but that no such rules appeared to exist in a printed form.

You state in your dispatch that "it would seem that this refusal is in flagrant disregard of article 6 of the treaty of 1858, which provides that the Japanese courts shall be open to American citizens for the re-

covery of their just claims against the Japanese," and that it might be called "a denial of justice."

In the opinion of this Department the treaty of 1858 opens the Japanese courts to American citizens to the same extent and with like limitations as such courts are open to the Japanese. American citizens are entitled to all the advantages and facilities which are accorded to their own suitors.

Your dispatch fails, however, to inform this Department upon the vital point to be considered in determining whether there has been a denial of justice, or the withholding of any of the means of compelling the attendance of witnesses. An expression of opinion by the Department on this point will be withheld until you ascertain and report whether the practice of the Japanese courts was correctly stated, in the decision of the court, to summon the witnesses, as quoted in your dispatch and as cited above; also whether any unjust discrimination was made against Mr. Dunn.

If, as matter of fact, the system of justice as administered in Japan does not provide for the compulsory attendance of unwilling witnesses, this Department would hesitate in demanding in behalf of American citizens an intervention of the court not exercised or allowed in behalf of Japanese.

If, however, it should appear, after a careful examination of the facts, that in this case Mr. A. C. Dunn was not accorded the same facilities and opportunities to obtain testimony as are allowed Japanese suitors, you will make such representation as may seem proper under the circumstances.

I am, &c.,

HAMILTON FISH.

No. 439.

Mr. Fish to Mr. Bingham.

No. 60.]

DEPARTMENT OF STATE,
Washington, July 29, 1874.

SIR: Referring to your dispatch No. 78, in which you seek instructions upon the various questions arising out of the participation of citizens of the United States in the late expedition against Formosa, and of the employment of an American vessel, I have to inform you that your proceedings to detach the citizens of the United States and the steamer New York from the expedition are approved. You are referred to the instructions already given by this Department on this question. The act of June 22, 1860, affords ample authority to the ministers of the United States to issue writs and proclamations to prevent the citizens of the United States from enlisting in the military or naval service of China or Japan to make war upon any foreign power with whom the United States are at peace, or in insurrectionary movements; and, should a warning or proclamation prove ineffectual, the minister is authorized to resort to such force as may be within his reach belonging to the United States, to accomplish the purpose.

It is believed by the Department that the powers conferred upon the minister of the United States by this act will prove sufficient in these cases.

The representatives of the Government will take every means to pre-

vent any violation of these provisions of law, and it is believed that in most instances no actual resort to force will be required.

Your response to the representation of General Le Gendre, that the act of 1860 was unconstitutional, is approved. No officer of the Government is made a judge of the constitutionality of an act of Congress; and all acts are to be deemed constitutional until the question be legally decided otherwise.

This Department has been officially informed by the Secretary of War that Mr. Wasson, who was attached to the expedition against Formosa, above referred to, has not been in the service of the United States since July 1, 1872.

I am, &c.,

HAMILTON FISH.

No. 440.

Mr. Bingham to Mr. Fish.

No. 105.]

UNITED STATES LEGATION, JAPAN,
Токеи, July 29, 1874. (Received September 1.) *

SIR: I have the honor to acknowledge the receipt of your telegram of date the 21st instant, in which you instruct me to caution American citizens against hostile proceedings against China. This telegram reached me on the 26th instant, at 4 p. m.

I have, in pursuance of your instructions, notified our consuls to warn American citizens not to engage in hostile proceeding against China. On the 28th instant, notices were given by the consuls at Hiogo and Yokohama, and I presume that notice has also been given by the consul at Nagasaki in accordance with my instructions sent to him by telegram.

I have carefully considered the twenty-sixth article of the treaty with China, made at Tien-tsin, and consider it highly important to the interests of American commerce that American citizens should not be allowed to violate that provision.

On the 28th instant I had an interview with the minister for foreign affairs, in which I told him that while I had respect for the rights of Japan, and had no purpose to question her full right to judge for herself touching her relations with China, it was my duty to acquaint myself as far as possible of the actual state of affairs between Japan and China, to the end that the treaty relations of the United States with the two countries might be fully maintained. In this conversation Mr. Terashima informed me that China had made two communications to Japan since the invasion of Formosa by the Japanese forces in relation thereto; first, that the Japanese forces should withdraw from the island; and second, that the Japanese having inflicted punishment upon the Bootang savages, should at once recall their forces, and China would pledge herself to build a light-house upon the northeast coast of Formosa, and to furnish protection hereafter to foreign commerce upon that coast by a land and naval force. To my astonishment I was informed that Japan had not accepted either of these conditions, and I was left to infer, therefore, that the conditions were rejected, because Japan purposes to retain possession of that portion of the island of Formosa. Mr. Terashima also informed me that China has withdrawn her second proposition, and is actively engaged in preparing for war. He con-

cluded by saying that the Japanese ambassador has reached Peking and is now engaged in negotiation, with the Chinese government, but that he, Mr. Terashima, is not yet advised of the result.

Referring to your instruction No. 43, of date the 6th ultimo, I beg leave to thank you for the expression therein of confidence entertained by the Department in my discretion, and also for the views therein expressed with relation to the scope and effect of the act of 1860.

I am, &c.,

JNO. A. BINGHAM.

No. 441.

Mr. Bingham to Mr. Fish.

No. 108.]

UNITED STATES LEGATION, JAPAN,
Токеи, August 12, 1874. (Received September 12.)

SIR: I received a communication of date the 27th ultimo, from the minister for foreign affairs, (inclosure No. 1,) inquiring whether it was my wish to receive the remaining installment of the Simonoseki indemnity, due the last of July, amounting to \$125,000, and asking from me, on the receipt thereof, an acknowledgment that the indemnity to the United States had been received in full. To this I made reply, (inclosure No. 2,) on the 30th ultimo, to the effect that I would receive the remaining installment, and would receipt therefor, for all the money paid to me as having been paid as the balance in full of the Simonoseki indemnity, subject, however, to the approval of my Government.

On the 4th instant I received a communication from Sir Harry Parkes informing me that he had deposited another amount of \$5,833.33 on account of the Simonoseki indemnity, to my credit, in the Oriental Bank at Yokohama, (inclosure No. 3.) I also received a letter (inclosure No. 4) from J. Robertson, esq., the agent of that bank, notifying me of his receipt from the Japanese minister for foreign affairs of the sum of \$125,000, which was there set to my account as minister of the United States. On the 8th instant, in pursuance of your instructions, I negotiated with the Oriental Bank in exchange on London for an amount equivalent to \$130,833.33, and received on that day a bill of exchange on the Bank of England, dated August 8, 1874, payable on demand to my order, for £26,984. 7s. 6d. A copy of Mr. Robertson's certificate of exchange, together with copies of two letters from brokers, are herewith (inclosures 5, 6, and 7) inclosed. In accordance with your instructions I have forwarded this bill (in letter of this date, inclosure No. 8,) to Messrs. Morton, Rose & Co., indorsed by me to them, with request that they will place the same to the credit of the United States.

I beg leave to call your attention to my No. 94, of date June 17, notifying you of the two several amounts received by me up to that date from Sir Harry Parkes on account of the indemnity, amounting, in gross, to \$11,666.66, for which amount I obtained exchange on London for £2,479 3s. 4d. sterling, and remitted the same to Messrs. Morton, Rose & Co. at that date for the use of the United States. I have the honor to call your attention also to my No. 97, dated the 7th ultimo, in which I acquainted you that I had received from the minister for foreign affairs \$250,000, and that for that sum I had obtained exchange on London to the amount of £52,083 6s. 8d. sterling, which bill I forwarded, duly indorsed to Messrs. Morton, Rose & Co., to be placed to the credit of the United States. You will observe, therefore, that the gross amount of exchange, includ-

ing the three bills of exchange herein mentioned, remitted by me to Messrs. Morton, Rose & Co. for the use of the United States, is £81,546 17s. 6d. sterling, being the equivalent of the whole amount received by me from Sir Harry Parkes and the minister for foreign affairs, viz, \$392,499.99.

In these several instances it has been my care to negotiate for exchange on London on terms the most advantageous possible to the United States.

You will notice that the minister for foreign affairs requires an acknowledgment of the full payment of the indemnity, and that in my letter to him of the 30th ultimo (inclosure No. 2) I notify him of my readiness to receive the payment as in full, upon his representation, subject, however, to your approval, giving as my reason for thus qualifying my receipt the fact "that I have no means of knowing the exact amount of the unpaid balance" of the indemnity.

Should the amounts thus received and accounted for by me be the balance (as I suppose the fact to be) of the Simonoseki indemnity, I have the honor to request that you will authorize me to acknowledge the same to the Japanese minister for foreign affairs to be in full payment and discharge of the indemnity agreed to be paid by the government of Japan to the United States.

I am, sir, &c.,

JNO. A. BINGHAM.

[Inclosure 1 in No. 108.—Translation.]

His Imperial Japanese Majesty's minister for foreign affairs to Mr. Bingham.

FOREIGN DEPARTMENT,

Токей, the 27th of the 7th month, the 7th year of Meiji. (July 27, 1874.)

YOUR EXCELLENCY: I have the honor to request your excellency to inform me whether it is your wish that the remaining installment of the Simonoseki indemnity, amounting to \$125,000, and due at the end of the 7th month, shall be paid to you in the same manner in which the last payment was made.

I beg leave to add that on receipt of the final installment your excellency will be pleased to furnish me with a written acknowledgment that the indemnity to your Government has been received in full.

With respect and consideration,

TERASHIMA MUNENORI,

His Imperial Japanese Majesty's Minister for Foreign Affairs.

[Inclosure 2 in No. 108.]

Mr. Bingham to the minister for foreign affairs.

UNITED STATES LEGATION,

Токей, July 30, 1874.

YOUR EXCELLENCY: In reply to your letter of the 27th instant, I have the honor to say that under the instructions from my Government it is made my duty to receive from your excellency an amount equivalent to the amount paid to either of the parties to the settlement of the Simonoseki indemnity. Therefore, in compliance with your excellency's request, I have the honor to say that your excellency may make payment by depositing the same in the Oriental Bank Corporation subject to my order.

I have the honor to inform your excellency that I will receipt for the amount which I have received, and may receive, as having been paid to me in full of the Simonoseki indemnity, subject, however, to the approval of my Government. I have no means of knowing the exact amount of the unpaid balance, but do not doubt that your excellency will state it correctly.

I have the honor, &c.,

JOHN A. BINGHAM.

[Inclosure 3 in No. 108.]

Sir Harry Parkes to Mr. Bingham.

YEDO, August 4, 1874.

SIR: Having been informed by the agent of the Oriental Bank at Yokohama that he has received from the vice-minister for foreign affairs, on my account, another installment of the Simonoseki indemnity, amounting to \$125,000, I have the honor to inform you that, for the reasons stated in my dispatch to you of the 23d February last, I have instructed the manager of the Oriental Bank to pay over to you the sum of \$5,833.33.

I have the honor, &c.,

HARRY S. PARKES.

[Inclosure 4 in No. 108.]

Mr. Robertson to Mr. Bingham.

ORIENTAL BANK CORPORATION,
Yokohama, August 1, 1874.

DEAR SIR: I beg to advise having credited your account as minister of the United States with the sum of \$125,000, being amount received from the Japanese minister for foreign affairs.

Yours, faithfully,

J. ROBERTSON,
Agent.

[Inclosure 5 in No. 108.]

Mr. Robertson to Mr. Bingham.

ORIENTAL BANK CORPORATION,
Yokohama, August 8, 1874.

I hereby certify that draft GL. 06764, £26,984 7s. 6d., has to-day been issued in favor of the Hon. John A. Bingham, being the equivalent of \$130,833.33 at the current exchange of 4s. 1½d. per dollar.

For the Oriental Bank Corporation:

J. ROBERTSON,
Agent.

N. B.—I have given you the advantage of the rise in rate since the date of the accompanying brokers' letters, as arranged.

J. R.

[Inclosure 6 in No. 108.]

Messrs. McDonald & Dare to the managers of the Oriental Bank Corporation.

YOKOHAMA, August 5, 1874.

SIR: The least rate obtainable for any large amount of bank-bills at sight would not, we consider, be better than 4s. 1½, (four shillings and a penny farthing.)

We are, sir, &c.,

MCDONALD & DARE,
Bill and Bullion Brokers.

[Inclosure 7 in No. 108.]

Mr. Bland to Mr. Robertson.

YOKOHAMA, August 5, 1874.

SIR: I consider the rate of bank-bills on London at sight, to-day, to be 4s. 1½d. per dollar.

Yours, faithfully,

CHARLES S. BLAND.

[Inclosure 8 in No. 108.]

*Mr. Bingham to Messrs. Morton, Rose & Co.*UNITED STATES LEGATION,
Tokai, August 12, 1874.

GENTLEMEN: Inclosed please find first of exchange for the sum of £26,984 7s. 6d. sterling, August 8, 1874, drawn by the Oriental Bank Corporation at Yokohama, to my order, payable on demand, and by me indorsed to you, to be set to the credit of the United States of America.

You will note that on the 17th June and the 7th July I forwarded to you two sums to be placed to the credit of the United States, one for £2,479 3s. 4d. sterling, and the other for £52,083 6s. 8d. sterling, which I trust you received.

I am, gentlemen, &c.,

JOHN A. BINGHAM.

No. 442.

Mr. Fish to Mr. Bingham.

No. 65.]

DEPARTMENT OF STATE,
Washington, August 26, 1874.

SIR: From time to time, for some months past, inquiry has been made of this Department by the representatives of several European powers at this capital, as to the policy of this Government in Japan, and especially as to its attitude toward other "treaty powers," with regard to the government of Japan.

Similar inquiry has been addressed to some of the representatives of the United States in Europe, all tending to show that a feeling of uneasiness and uncertainty on this question exists among those powers, and especially in Russia, England, and Germany. * * * * *

In reply to the inquiries made of me by the representatives of other powers, I have stated the policy of this Government to be such as was set forth in the instruction to you (No. 35) under date of 20th April last; and that in matters of common interest it was the desire and the intention of this Government that its representative in Japan should, in all cases when in his judgment the interest of this Government lay in the same direction as that of the other treaty powers, act in concert with the representatives of these powers. It is possible that these inquiries may have been prompted by reports from Japan to the several European powers of occurrences prior to the reception by you of that instruction.

Quite recently the British chargé d'affaires left with me a copy of the correspondence of Sir Harry Parkes with the minister of foreign affairs, in relation to the arrest of the servant of one of the secretaries of the British legation, and asked whether you had communicated the occurrence to the Department, and remarked that the absence of your name from the joint note signed by all the other representatives had been a source of regret.

* * * * *

I was able only to say that I presumed your dispatches on the subject were on the way, and had probably been detained.

I have read Sir Harry Parkes's dispatch and the papers accompanying it, and am not inclined to take exception to the absence of your name from the joint note, if it was withheld on the ground that you were not prepared to unite in so advanced an assertion of immunity from local jurisdiction as was contended for in behalf of a Japanese subject, the servant of a translating secretary, residing separate from the minister

and remote from his residence, and at a place with respect to which the Japanese government had expressly informed the secretary that the rights of a legation do not exist, and for a crime committed before that servant had entered the service of the secretary. I observe that Sir Harry Parkes states that the decision of the foreign representatives was reached at a meeting at which all of them were present, "with the exception of the United States minister."

It is by no means improbable that your views on the question would have differed from those of the other representatives, and might have modified in some degree what appears to be the extreme position to which the doctrine of immunity seems to have been carried in this correspondence.

On the general question of united action by the foreign representatives in Japan, in matters of common interest to the foreign powers, the views of the President were communicated to you in my No. 35, under date of the 20th April last, and it is not supposed that you have deviated from the instruction then given.

In the present condition of the country, and in view of the evident restlessness of Japan under the doctrine of extraterritoriality applied to her, and of her apparent desire to separate the foreign powers from each other, possibly in view of the revision of the treaties, it is not deemed wise at present to depart from a policy which has thus far, in the main, proved serviceable.

The President therefore relies upon your prudent efficiency to carry out the policy which has been indicated to you, and which has been announced to other powers as that which is to govern our intercourse with Japan, unless in cases where you may see the interests of this Government to be so clearly in a different direction that you may feel it your duty to withhold concert of action until you shall have had opportunity to lay the case before your Government.

It is deemed especially important that, in all cases of ill-treatment of foreigners, or of any restriction, or limitation, or denial of the rights guaranteed to them by treaty, or of any infringement of treaty rights, whether personal or of property, the united influence of the foreign representatives in Japan should assert the inviolability of the treaties, and the full protection of all citizens or subjects of the treaty powers.

I am, &c.,

HAMILTON FISH.

No. 443.

Mr. Fish to Mr. Bingham.

No. 67.]

DEPARTMENT OF STATE,
Washington, September 1, 1874.

SIR: Your No. 105, of the date of 29th July last, is this day received, and your account of your interview with Tereshima, and of the rejection of the demands made by China, seem to give countenance to the current rumor that Japan is determined to maintain the foothold she has obtained in Formosa, even at the expense of a war with China. I shall await, with interest, your further dispatches, which it is hoped will be full in their detail of all matters in connection with the delicate relations between these two nations.

The Department is pleased that your attention has been directed to

the treaty with China, and to its requirements in case China becomes involved in war. These obligations were in the mind of the Department when the instruction No. 43, of the 6th of June, was written. The President expects that you will be vigilant in the exercise of all the powers of your official position for the protection of the rights of American citizens, and for the strict maintenance of the neutrality of the United States and of its citizens, and the observance of all treaty and international duties, in the event of war between Japan and China. It is believed that the instructions of the Department, heretofore sent to you, will have indicated the large power which the laws have committed to you for this purpose.

I am, &c.,

HAMILTON FISH.

No. 444.

Mr. Fish to Mr. Bingham.

No. 72.]

DEPARTMENT OF STATE,

Washington, September 2, 1874.

SIR: Referring to your dispatch of the 12th ultimo, No. 108, I have to state that the last payment, by the Japanese government, on the Simonoseki indemnity, amounted to \$125,000, makes the sixth installment, and appears to be in full of the proportion of the United States of the indemnity. Your conditional receipt, in full, is therefore approved.

I am, &c.,

HAMILTON FISH.

LIBERIA.

No. 445.

Mr. Turner to Mr. Fish.

No. 106.]

UNITED STATES LEGATION,

Monrovia, January 1, 1874. (Received March 9.)

SIR: I have the honor to inform the Department that I have this day had the honor to be a guest at a "dinner of state" given by the post-master-general of Liberia, in honor of the legislative and executive branches of said government. The dinner was well attended. The President and vice-president, together (with very few exceptions) with the members of the legislature, were present. Among other sentiments the following was proposed: "The United States is a nation to which we feel slightly related, and we therefore propose the health of Ulysses S. Grant, chief magistrate of that nation." To this expression I responded by saying that, although the President of the United States occupies the first place in the great American heart, one attempting to speak for him must, seeing that the President is known as seldom consenting to make speeches for himself, find the task, however pleasant, a somewhat difficult duty. But while it may be difficult to speak for

the President, there can be assigned to an American citizen no more pleasant duty than that of speaking of President Grant; that since his elevation to the Presidency of the United States his administration has evidenced one fixed object, viz, the utilization of every national capacity to the advancement, prosperity, and amelioration of the great American masses. In this connection I referred to the thriving condition of American agriculture, the restoration of American commerce, the rapid payment of our national debt, and general sufficiency of the system of finance adopted by the Government of the United States; the success of the Government's policy toward the Indians; and especially to the impetus given to that palladium of American institutions of government, the public-school system. In alluding to our relations with other powers, I made mention of the increased respect and preference throughout the world for American institutions of government. In conclusion, I spoke of the great desire evinced by both the people and the Government of the United States for the prosperous development of Liberia, and alluded to the fact deduced from the experience of the United States, that it is impossible to perpetuate democratic institutions of government without the general diffusion among the masses of at least a common-school education. I also expressed thanks for this extension of courtesy to the President of the United States.

I have, &c.,

J. MILTON TURNER.

No. 446.

Mr. Turner to Mr. Fish.

LEGATION OF THE UNITED STATES,
No. 110.] *Monrovia, February 16, 1874. (Received May 11.)*

SIR: I have the honor herein to set forth a summary of the more important doings of the Liberian legislature at the late session thereof, just ended. The first business of significance that engaged attention was the consideration of certain propositions for mining, extracting ores, &c. (See inclosure.)

These propositions were made by English capitalists through their agent, a Mr. Forbes, civil engineer, who was present in person, and has since died of African fever. The propositions were accepted without modification by the senate; but on the ground that monopolies of any kind, especially those sustained by foreign capital, are imperiling to the well-being of the independence, if not to the life of the government itself, and therefore should not be introduced during the present prostrate condition of the national finance, the house tabled the propositions indefinitely. During the discussion the house manifested a disposition to have all foreign enterprise that may hereafter be introduced into Liberia enter the country under the auspices and control of citizens of the United States, in preference to those of any other country. The senate, seeing the action of the house, tried to sustain its own acceptance of the original propositions by attempting to consider them in the light of a treaty. Whereupon the house immediately applied to the supreme court, then in session, for an opinion, as to whether or not the senate was constitutionally empowered to consider the propositions of individuals or minor corporations in the light of treaties. (See inclosures 2 and 3.) I have noted that in all such matters the preferences of the people are evidently American, not English.

A very important act was passed at this session of the legislature, introducing into that body (the house) two native chiefs from each of the principal tribes living in and around Liberia, for the purpose of consulting on native affairs. Had Liberia adopted the policy indicated by the spirit of this act twenty-five years ago, the country would not be in such signal want of men to-day. However, it remains to be seen whether this act will be executed, or remain, as many other equally valuable laws, neglected and dormant on the statutes of the republic.

Quite an exciting question arose between the senate and the President respecting cabinet and other executive officers, whom it has been customary at the beginning of each administration to submit for confirmation of the senate prior to the adjournment of that body; thus avoiding appointments during the interval that may meet with rejection upon the re-assembling of the senate. The observance of this usage seems to have been the invariable practice. In this instance, the senate held that it was both the practice and the law; while the President maintained that all executive officers appointable by him he was constitutionally entitled to appoint and continue during his pleasure, without consulting the senate's will as to the period for which such officers should be appointed. (See inclosure 4.) This difference of opinion created an exciting debate in the senate, during which senators accused the President with attempting to exercise prerogatives unknown to the law and usage, and of acting with a stronger hand than the law or the spirit of republican institutions allows; and that if such was the spirit of his policy, he had in effect already leaped from republicanism into the bounds of monarchy. This question originated by the President holding over into the new administration the honorable the secretary of the treasury. Senators took position ostensibly with reference to all officers to be appointed by the President, but I am convinced their opposition was really to the continuance of the secretary of the treasury, with whose management of the finances the senate seemed displeased. Could the senate have received the submission of the name of this officer, I believe he would have been denied confirmation. The position of the President might have been rendered exceedingly embarrassing had not the house of representatives manifested little or no interest in the matter. They of the house morally and indirectly gave to the President their support, by urging the senate, in the heat of the discussion between the President and the senate, to fix a day on which to adjourn. Having by this means brought themselves to a disagreement with the senate, they, by resolution, requested the President to exercise his constitutional privilege and adjourn the legislature. To this the President consented, and adjourned that body on the fourteenth day of February, 1874, pending the debate in the senate. (See inclosure 5.)

I take this opportunity to inform the Department of the retirement of Hon. H. B. W. Johnson from the post of secretary of state. Mr. Johnson assigns as his reason for this retirement his inability, on account of the absence of progressive policy in the conduct of the affairs of government, to acquiesce with the views of the administration.

Hon. J. E. Moore (formerly temporarily in charge of the archives of this legation) is appointed successor to Mr. Johnson.

I have, &c.,

J. MILTON TURNER.

[Inclosure 1 in No. 110.]

Propositions to the republic of Liberia for concessions of lands, &c.

Agreement between the undersigned, his excellency the President of the republic of Liberia, of the one part, and Joseph¹ Samuel Forbes, civil engineer, and George Wells, engineer, and ———, contractor ———, all domiciled in London, acting on their own behalf and on that of their copartners, (hereafter called the concessionaires,) of the other part, for the construction of railways and tramways for special or public purposes throughout the republic of Liberia, the working of mines, and the construction of docks, landings, stages, jetties, warehouses, and other works incidental to the same.

It has been covenanted as follows :

ARTICLE 1. His excellency the President of the Liberian republic grants to Joseph Samuel Forbes and George Wells, ———, and their copartners, subject to the ratification of the legislative body within a period of six months from the date hereof, the construction of railways and tramways, for special or public purposes, throughout the country ; and for the construction of the following works, viz, docks, landing-stages, jetties, warehouses, and other works incidental to the same.

ARTICLE 2. The concessionaires to have the right to explore the country for the purpose of discovering mineral deposits, and to have the exclusive right to work the same or any mines they may claim to discover, which are not now being worked or have not been worked in a regular manner, and of which the government have not received notice, a list of such notices to be furnished to the concessionaires before commencing their explorations. The concessionaires may work, crush, smelt, or otherwise deal with such minerals and dispose of the produce of the said mines.

ARTICLE 3. The right to erect upon all government or public land, free of charge for such land, railways, tramways, stamps, mills, furnaces, saw-mills, and all works incidental to the same, required for the prosecution of the mining business of the concessionaires.

ARTICLE 4. The concessionaires to have every privilege now possessed by independent traders in the republic for trading in and dealing with the natural productions of the country, upon payment of such dues in each case as the aforesaid traders may be liable to.

ARTICLE 5. The concessionaires to receive free grants of all government or public land required for the construction of railways, roads, or tramways, for general or special purposes ; all machinery and materials for the use of the works shall be admitted into the country free of impost, and the concessionaires may take for the construction of, and use in, their works such necessary public lands, timber, and other building-material, which may during the term of such concession be required for such purpose.

ARTICLE 6. Government to guarantee protection during the term of the concession to person and property, securing compensation to the concessionaires and their employés for all losses and damages which may be sustained from the inhabitants of the country, and in the event of any damage being so sustained, and any dispute arising between the government and the concessionaires as to the amount of the same, the case shall be submitted to arbitrators in the usual way.

ARTICLE 7. The concessionaires to pay to the government on the net profit derived by them, after deduction therefrom of six per cent. on capital account :

On all gold and silver, £6, 10s. 0d. per cent.

On copper, $\frac{1}{2}\%$ of the net profit.

On lead and silver lead, $\frac{1}{2}\%$ do.

On all other minerals, $\frac{1}{2}\%$ do.

ARTICLE 8. The government to have the use of the railways and tramways for the conveyance of officials, transport of troops and materials of war, and all stores and materials belonging to the government not required for trading purposes, upon payment of the working expenses only.

ARTICLE 9. All profits derived from public traffic over such railways and tramways, after payment of six per cent. per annum interest upon capital account, to be divided share and share alike between the government and the concessionaires.

ARTICLE 10. On receiving the ratification of this agreement, the concessionaires undertake, under forfeiture of the concession, to send, within six months from the date of receiving the ratification, a competent engineer and agent, qualified to report on the mineral and other resources of Liberia—the government undertaking to provide the agents with guards, tents, carriage, food, and everything necessary for their safety and comfort, when required so to do, upon payment by the concessionaires of all reasonable costs and charges incurred by the government in doing so.

ARTICLE 11. The concessionaires, after investigating the resources of the country, under penalty of a forfeiture of their right, to be bound within a period of twelve months to find sufficient capital to develop to a reasonable extent such mines as may be discovered.

ARTICLE 12. Upon signing this agreement, the government to appoint Joseph Samuel Forbes, C. E., Assoc. Inst. C. E., as engineer-in-chief to the Liberian government during such term as he may be engaged upon the works of the concession; and in the event of the government requiring his services for or upon government public works, the government to pay to him such amount of salary or commission as may hereafter be mutually agreed upon.

ARTICLE 13. The term of the concession to be for fifty years, and at the expiration of that term the special privileges granted will cease and determine.

Witness the signatures of the said parties to this agreement, this eighth day of October, 1873.

J. J. ROBERTS.
JOSEPH S. FORBES.
GEORGE WELLS.

Witness, J. JACKSON,
Consul-General for the Republic of Liberia.

LONDON, 3 LEADENHALL STREET,
September 27, 1873.

SIR: I am desirous of obtaining from you a concession to establish a bank at Monrovia, the capital of your country, and I desire to obtain the concession on the following conditions:

First. That your government should furnish the bank with such a building as would be necessary for the transactions of its business, the said building to be at the absolute disposal of the bank free of charge.

Secondly. That upon the bank depositing £10,000, (to be increased to £25,000,) which sum shall be verified by your government, the bank shall be authorized to issue notes to the extent of three times the value of the capital so deposited.

Thirdly. That your government shall make the said notes a legal tender.

Fourthly. That your government shall keep a treasury account with the said bank, and all its receipts and expenditure shall pass through the bank. It would be necessary for the concession to be adopted by the legislature, and the charter drawn up in the usual way or form.

Fifthly. To have the exclusive right of manufacturing and issuing a copper coinage of cents or half-penny, whichever the government may deem advisable.

Sixthly. That the concession shall be for a duration of twenty-one years.

I have the honor to remain, sir, your most obedient servant,

JAMES MADDEN.

His Excellency President J. J. ROBERTS, *Liberia.*

LONDON, 3 LEADENHALL STREET,
September 27, 1873.

SIR: On behalf of myself and the friends of Liberia, I most respectfully but urgently solicit your powerful aid to grant me a concession.

First. To connect Liberia with the present system of Atlantic telegraph-lines. To do this it is essential that the government grant a concession, either giving a guarantee of 3 per cent. per annum upon that portion of the amount of capital which will be required to connect Liberia with the nearest state westward and the Cape de Verd Islands, so that if the net receipts per annum do not amount to such percentage, the government guarantee would make up the difference.

Secondly. Or that the government grant a concession for the sole right and privilege of landing submarine cables on the state or territory of Liberia.

Thirdly. Any concession that may be granted hereunder shall have a duration of forty years.

Fourthly. The concessionaires shall have the right to fix the tariff which they may deem fit, and which shall belong to them. The government messages to be charged at — per cent. less than that paid by the public.

Fifthly. The concessionaires to have the right and privilege of erecting land-telegraphs in the territory of Liberia where they may think proper, and working them in connection with their cables. This right to extend also for forty years, at the end of which time the land-lines to be taken by the government at a valuation.

Sixthly. Should the cable not be laid down within five years from the date of the concession, the said concession shall be null and void.

Seventhly. The maintenance and repairing of the cable or cables shall be exclusively at the charge of the concessionaires.

Eighthly. The concessionaires to have the right of appointing their own superintendents, clerks, &c., for working the lines, and the sole control of the same.

Ninthly. In the event of a sole concession not being granted, the annual guarantee from the government of Liberia will be (at 30) £3,000 on a capital of £100,000.

Should your excellency deem that I have not explained myself sufficiently, and consent to grant me an interview, I may explain all points more satisfactorily.

I have the honor to remain, sir, your most obedient servant,

JAMES MADDEN.

His Excellency President J. J. ROBERTS.

3 LEADENHALL STREET, LONDON,
October 9, 1873.

SIR: In addition to my former applications to your excellency for concessions to establish a bank at Monrovia, with the right of laying down cables for telegraphic purposes both marine and land, I now approach your excellency for a further concession, namely, the right to run a line of steamers from this country to Liberia, which right to last twenty-one years, the government of Liberia granting me a subsidy of a sum per year to be fixed on hereafter, for carrying all your mail-matters, commencing with one steamer and increasing them in number as the requirements of Liberia will warrant; said line of steamers to have the right of free entry to any port or ports of Liberia.

Trusting that my applications will claim from your excellency the consideration they so much merit, and with profound respect, I remain your excellency's most obedient servant,

JAMES MADDEN.

His Excellency President J. J. ROBERTS, *Liberia*.

[Inclosure 2 in No. 110.]

Mr. Turner to Mr. Moore.

UNITED STATES LEGATION, LIBERIA,
Monrovia, March 3, 1874.

SIR: The undersigned, United States minister-resident and consul-general, begs to invite your attention to a certain decision or opinion of the supreme court of your republic, as rendered in a certain case concluded at its last session, the title to which case was, (I think,) The Honorable the House of Representatives *versus* The Republic of Liberia, and the subject-matter a question of constitutionality, for the purpose of respectfully requesting that you consent to furnish this legation with a copy of said decision or opinion of the supreme court of your republic.

The undersigned has the honor to be, &c.,

J. MILTON TURNER.

[Inclosure 3 in No. 110.]

Mr. Moore to Mr. Turner.

DEPARTMENT OF STATE,
Monrovia, March 6, 1874.

SIR: I have the honor to acknowledge your communication of the 3d instant, and to forward herein, in compliance with your request, a copy of the opinion of the supreme court of the republic on the question propounded to it by the house of representatives.

With assurances of the highest consideration and regard,

I have, &c.,

J. E. MOORE.

[Inclosure in 3 in No. 110.]

Opinion of the supreme court.

The supreme court, in compliance to a resolution of the house of representatives of the republic of Liberia, soliciting its opinion as to whether the senate, by the constitution of the aforesaid republic, has exclusive privilege to grant a cession of lands, say

there are no other privileges delegated to the senate as a branch of the national legislature, but those which are by the constitution distinctly and positively defined. The first of those privileges referred to is that of organizing its own government; adjudge the election returns and qualifications of its own members. It is also the exclusive privilege of the senate, when any treaty or treaties are made by the President, to either concur therein, or reject the same. It may be well here to state that a treaty, in the sense of the term employed in the constitution, can only be made between independent and sovereign nations. The second is the privilege to confirm by its advice and consent all officers named in the constitution when nominated by the President, viz, all ministers and consuls, secretaries of state, of war, of the navy, and of the treasury, attorney-general, all judges of the courts, justices of the peace, clerks of courts, registers, notaries public, sheriffs, coroners, marshals, and all other officers of the state, civil and military, whose appointment may not be otherwise provided for by the constitution, or by standing laws. And lastly, the trial of all impeachments belongs exclusively to the senate also. All other privileges assumed as being exclusive are unwarranted and unconstitutional. Therefore, it is the opinion of this court that the acts of the senate referred to by the resolution, in granting a cession of lands to a certain company, citizens of Great Britain, are unconstitutional, and therefore have no binding effect on the republic of Liberia.

January term, 1874.

A true copy from the department of state.

J. E. MOORE.

MONROVIA, March 7, 1874.

[Inclosure 4 in No. 110.]

Reply of the President to the senate.

EXECUTIVE DEPARTMENT,
Monrovia, February 10, 1874.

The honorable the Senate of the Republic of Liberia :

GENTLEMEN: I have the honor to acknowledge the receipt of your communication of yesterday's date, in which your secretary informs me of the "report of the special committee appointed to point out the omissions occurring in the executive communication of the 2d instant," &c.

I learn from your communication that said committee have specified the following-named officials as having been omitted in my communication of the 2d instant, viz: secretary of the treasury, attorney-general, treasurer; county attorney for Montserrado and Grand Bassa Counties; superintendents of the several counties, general and provisional; surveyor of Montserrado County; subtreasurer for Sinoe County; commissioners to the interior of the several counties; commissioner of education, Maryland County; and commissioners to the International Exhibition, Philadelphia, U. S. A.

In reply, I beg to say that I think your special committee are in error in supposing that the commissioners of education for Maryland County were omitted, for I have received a communication from your honorable body in which your secretary informs me that Mr. J. A. Tuning, nominated to the senate as commissioner of education for Maryland County, has been rejected.

As to the commissioners to the interior and to the international exhibition, the laws made at this session authorizing their appointment expressly provide that they shall be appointed by the President, and they make no provision for those commissioners being nominated to and confirmed by the senate. And such a thing could not have been in the contemplation of the honorable legislators when those acts were passed, for it could hardly have been supposed that the Executive would have been able, within a few weeks after the passage of those acts, to select men suitable for such an important post as the representative of Liberia at an exhibition of the wealth and industry of all nations.

As to the subtreasurers, the surveyors, and the county attorneys for the several counties, the Executive finds no little trouble in securing suitable men for those as well as other important offices. In making appointments the Executive is bound, in duty, to consider more what benefit his appointees will be to the state than what benefit the appointment will be to them, but if the appointment is not of sufficient benefit to them they will not accept office. This is the case now with the office of attorney for Montserrado County. That officer has twice as much work as the county attorney in any other county, and he has often to contend against the most of the legal talent of the republic, and the salary is so small that I can find no one to take that office whose legal ability is at all likely to assert the majesty of the laws, and save the state from expense in contending with the legal talent that criminals would employ against.

As to the cabinet officers mentioned, and superintendents, and in fact all the other

officers mentioned by your committee, the constitution and laws creating them declare that "they shall hold their offices during the pleasure of the President." Now, I understand that to mean that when any one of these officers is once sent in to, and is confirmed by, the senate, he remains in office until the President, whoever may be that officer at that time, shall express his pleasure to remove him, unless he be removed by the act of God or his own will sooner than that.

If those officers have to be sent before the senate every two years to be reconfirmed, then they do not hold their office at the pleasure of the President, but at the pleasure of the senate.

As those officers are the representatives of the President, and as he has to repose special confidence in their ability and integrity, and has to rely upon some of them in an especial manner to enable him to govern successfully and peaceably the distant part of the country; and as the people hold him responsible in a great measure for their acts, it certainly seems right and proper, as it is legal and constitutional, that they should hold their offices during the pleasure of the President. And no harm can arise to the people from such a tenure of office; for there is a way provided in our constitution by which they can be removed at any time, for a sufficient cause.

Although all of the above-named officers hold their offices during the pleasure of the President, yet I would have no objection to sending before the senate for reconfirmation any of the said officers, when practicable, except the members of my cabinet, and the superintendents of the several counties.

The Executive being sworn to support the constitution and enforce the laws, he must of necessity, in the first instance, constitute himself the interpreter of the laws and constitution, and if he misunderstand them the constitution itself has provided a way by which his mistake may be corrected and a true interpretation given.

These being my views, gentlemen, as to the officers above referred to, that is, cabinet officers and superintendents especially, and it being my pleasure to retain those who are now in office, for the present at least, I can see no necessity for sending their names again before the honorable senate for confirmation.

Where there are vacancies in any of the offices, they will be filled just as fast as suitable persons can be found to fill such offices.

Trusting that you will find, gentlemen, from this communication, that there were no omissions in my communication of the 2d instant, but that certain officers were not sent in, from inability to find suitable persons, and that others were not sent from a conscientious conviction that I am acting in accordance with our laws and constitution, and trusting that you will rightfully consider my actions in the premises,

I have the honor to be, gentlemen, your obedient servant,

J. J. ROBERTS.

[Inclosure 5 in No. 110.]

The honorable the Senate and House of Representatives of the Republic of Liberia:

GENTLEMEN: Having been officially notified by a resolution of the house of representatives, adopted on the 10th instant, that a disagreement exists between the senate and house of representatives as to the time of adjournment, and requesting that the present session of the legislature be adjourned *sine die*, by executive prerogative, as in such cases made and provided, on Saturday the 14th instant, therefore, I, Joseph Jenkins Roberts, President of the republic of Liberia, by authority vested in me by the constitution of the republic, do hereby and by these presents adjourn the present session of the legislature of this republic *sine die*, from and after Saturday the 14th instant current, and from and after the said 14th instant the legislature of this republic stands adjourned as aforesaid.

Given under my hand and the seal of the republic, at the executive department, this 11th day of February, A. D. 1874.

J. J. ROBERTS.

Duplicate forwarded to the house of representatives.

No. 447.

Mr. Turner to Mr. Fish.

No. 116.]

UNITED STATES LEGATION,
Monrovia, March 28, 1874. (Received May 11.)

SIR: I have the honor to inform the Department of the reception, by his excellency the President, of the Hon. Walter Brohm, a German

merchant, engaged in mercantile business in Monrovia, in the capacity of consul for the German Empire. This event took place on the 27th day of the present month, at 1 o'clock p. m., (please see inclosures 1, 2, 3, and 4.) It may not be amiss to avail myself of this opportunity to remark upon the condition of the foreign corps near the government of Liberia. There are at present four members of the foreign corps near the government of Liberia. The German Empire, the Netherlands, Hayti, and the United States are the four powers represented. Hayti is represented in the person of a citizen of Liberia. The remaining three powers named are represented by persons chosen from among their own citizens. The United States alone sends an officer empowered with exclusive diplomatic or consular character; also, the only power that sends a minister. The grade of no other foreign representative in Liberia is above that of consul-general. It was formerly the custom of Her Britannic Majesty's government to keep a consul near that of Liberia. This custom seems of late not to have been strictly observed. There has been no English consul here since my reception by this government. It is apparently the custom of all the governments represented at this time, except those of Hayti and the United States, on application of some one of their mercantile citizens engaged in business in Liberia, to commission such citizens as consul-general or consul to Liberia. Perhaps it is not improper to state here that it is the custom of the government of Liberia to appoint those persons who are authorized to represent Liberia near other governments from among friendly citizens of the powers near which it is desired to be represented.

I have, &c.,

J. MILTON TURNER.

[Inclosure 1 in No. 116.]

Mr. Moore to Mr. Turner.

DEPARTMENT OF STATE,
Monrovia, March 25, 1874.

SIR: I have the honor to inform you that it is the pleasure of his excellency the President to receive Walter Brohm, esq., as consul for the German Empire near this government, on Thursday, the 26th instant, at 1 o'clock, at the executive mansion, and to solicit your attendance on that occasion.

I have, &c.,

J. E. MOORE.

[Inclosure 2 in No. 116.]

Mr. Turner to Mr. Moore.

LEGATION OF THE UNITED STATES,
Monrovia, March 25, 1874.

SIR: I have had the honor to receive your announcement of the intention of his excellency the President to receive Walter Brohm, esq., as consul for the German Empire, on Thursday, the 26th instant, at 1 o'clock, together with your solicitation for my attendance on that occasion. Thanking you in advance, Mr. Secretary, for the pleasure I anticipate at being present on so distinguished an occasion,

I have, &c.,

J. MILTON TURNER.

[Inclosure 3 in No. 116.]

*Mr. Turner to Mr. Brohm.*LEGATION OF THE UNITED STATES,
Monrovia, Liberia, March 26, 1874.

SIR: I have this day had the honor to be present at your reception by his excellency the President of Liberia in the capacity of consul for the German Empire. In welcoming you as a fellow consular officer to the foreign corps here, I feel warranted, both on account of the relations of good friendship subsisting between the government of the German Empire and that of the United States, and because of my personal knowledge of yourself, in extending to you the official courtesy of the United States legation at this place.

I am, &c.,

J. MILTON TURNER.

[Inclosure 4 in No. 116.]

*Mr. Brohm to Mr. Turner.*MONROVIA, *March 27, 1874.*

SIR: I beg to acknowledge receipt of your very kind note welcoming me as a fellow consular officer in the foreign corps. In reply I return respectful thanks, and beg you to accept the assurance of my fervent and sincere hope that the good friendship between our mutual governments may ever exist.

I also avail myself of this opportunity to express my personal high esteem and consideration toward your excellency, with which I have the honor to be, &c.,

WALTER BROHM,
Consul for the German Empire.

No. 448.

Mr. Turner to Mr. Fish.

No. 127.]

LEGATION OF THE UNITED STATES,
Monrovia, June 8, 1874. (Received July 27.)

SIR: I have the honor to announce to the Department the arrival, on the afternoon of the 5th June, 1874, in this port, from Porte Grande, Saint Vincent, of the United States war steamship Congress, three hundred and ten men and twenty-eight officers, Capt. Earl English, commanding. Within two hours after her anchorage here I had the pleasure of receiving Lieutenant Nazro at the rooms of the legation as the representative of Captain English, whose health forbids his venturing on shore in this climate. Lieutenant Nazro, after a meeting at the office of the legation, at which he consented to my offer to make an official announcement to the government of Liberia of the presence of the Congress, cordially accepted my invitation to spend a few moments at my residence, after which he immediately returned on board the Congress.

In conformity with my agreement with the lieutenant, I announced during the afternoon the arrival of the Congress to the secretary of state, with the request to know the President's pleasure with reference to an interchange of customary courtesies. (See inclosure 1.)

The pleasure of the President, as expressed to me, will be found in the reply of the secretary of state, a copy of which is transmitted herewith, and marked 2.

At 8 o'clock on the morning of the 6th June I forwarded to Captain English a note, (please see inclosure 3,) expressing to him the pleasure of this government, and accompanied with copy of my note to and reply from the secretary of state.

At 9.30 a. m., June 6th, agreeably with an invitation extended by Lieutenant Nazro and accepted by me the day before, I repaired on board the Congress for the purpose of accompanying to the shore Captain English, or such officers as he might designate, to make the formal visit to the President. When on board, Captain English received me with very marked civility, explained the ailment which prevented him from calling in person on shore, invited me to his own cabin, where he presented to me the several officers of his command and spread refreshments, of which we together partook. Captain English then introduced Lieutenant Evans as commandant of the officers appointed to pay the respects of the Congress to the President, whereupon Lieutenant Commander Evans, accompanied by Lieutenants Kelley, Selfridge, Adams, Nazro, U. S. N.; Bichen, (?) U. S. M. C., Chaplain Tribou, Engineer Roelker, and myself, went ashore and proceeded directly to the department of state, where I had the pleasure of presenting the officers present to Secretary Moore. At the suggestion of Mr. Moore the party proceeded to the executive mansion, where they were received and appreciatively entertained by President Roberts.

At the conclusion of the presentation ceremony, the party, upon my invitation, honored the rooms of the legation with their presence and passed a few hours there, after which I accompanied them to the Congress. On taking my formal leave, I had the honor of being saluted with the firing of thirteen guns.

The Congress, being in want of coal, steamed off, en route to Cape Palmas, on the morning of the 7th June. The general health of both officers and men seems good, and it is gratifying that they appear in excellent spirits.

The visit of the Congress here was unquestionably acceptable to the citizens of this place.

I have, &c.,

J. MILTON TURNER.

[Inclosure 1 in No. 127.]

Mr. Turner to Mr. Moore.

LEGATION OF THE UNITED STATES,
Republic of Liberia, Monrovia, June 5, 1874.

SIR: I have the honor to state for the information of his excellency, the President of the republic, that the United States ship of war Congress has this day anchored in the harbor, and therefore this legation would be glad to be informed as to the most convenient time for an interchange of a national salute, as also the hour most acceptable for his excellency's reception of the commander and officers of his staff, or such members thereof as the commander may see fit to invite to the shore.

I have the honor to be, sir, with the highest consideration, your most humble and obedient servant,

J. MILTON TURNER,

United States Resident Minister and Consul-General to Republic of Liberia.

Hon. J. E. MOORE,

Secretary of State Republic of Liberia.

[United States ship Congress, 16 guns, European squadron, from Porte Grande, St. Vincent, bound to Cape Palmas, 310 men and 28 officers, Capt. Earl English, U. S. N., commanding.]

[Inclosure 2 in No. 127.]

*Mr. Moore to Mr. Turner.*DEPARTMENT OF STATE,
Monrovia, June 6, 1874.

SIR: I am in receipt of your dispatch stating, for the information of his excellency the President of the republic, that the United States ship of war Congress is now at anchor in this harbor, &c.

I have the honor to reply that 12 o'clock m. has been selected as the hour for an interchange of a national salute; and that the President will be pleased to receive you, the commander of the Congress, and the officers of his staff, at 11 o'clock a. m.

With assurances of profound respect and esteem, I have, &c.,

J. E. MOORE.

[Inclosure 3 in No. 127.]

*Mr. Turner to Captain English.*LEGATION OF THE UNITED STATES,
Republic of Liberia, Monrovia, June 6, 1874.

SIR: In compliance with my promise, I have the honor to transmit herewith, for your information and guidance, copies of correspondence that has taken place between this legation and the government of Liberia in reference to a national salute and the President's formal reception of yourself this day.

1st. I will arrive on board in person at 9.30 a. m.

2d. The salute will commence at 12 o'clock noon.

3d. His excellency has appointed 11 o'clock for the reception of yourself and officers at the executive mansion, at the conclusion of which reception I anticipate the happiness of being able to submit to your consideration such courtesy as others have seen fit to extend to you on your visit.

I shall be happy to render you such service as you may require and that shall be found to be within my official province. Should such service be required, you will be good enough to send by the bearer of this dispatch a written description of the same.

I sincerely regret to have been informed by your officer on shore yesterday of your indisposition. I hope, however, you are better to-day.

My congratulations to yourself, officers, and men. Wishing you all *bon voyage*, I have the happiness to pray you to accept, my dear captain, my sincere assurances of the high consideration and esteem with which I have the distinguished honor to be, sir,

Your most obedient servant,

J. MILTON TURNER.

Capt. EARL ENGLISH,

Commanding United States Ship Congress, off Monrovia.

No. 449.

*Mr. Turner to Mr. Fish.*LEGATION OF THE UNITED STATES,
Monrovia, June 20, 1874. (Received July 27.)

No. 130.]

SIR: I have the honor to transmit herewith copies of notes exchanged this day between Hon. W. H. Lynch and the legation, together with copies of the minutes of town-meetings, and resolutions in memorial of Hon. Charles Sumner, late United States Senator from the State of Massachusetts.

I have the honor, in compliance with the expressed desire of the citizens of Monrovia, to respectfully request the Department to cause copies of the inclosed papers to be transmitted to the President of the Senate of the United States and to the local government of the State of Massachusetts.

I have, &c.,

J. MILTON TURNER.

[Inclosure 1 in No. 130.]

Mr. Lynch to Mr. Turner.

MONROVIA, May 28, 1874. (Received June 20.)

SIR: The people of this city, desirous of having themselves recorded among the mourners over the death of the late Hon. Charles Sumner, of your country, at two well-attended town-meetings, on the 7th and 13th of May, passed certain resolutions, a copy of which, and a copy of the minutes, I have the honor herewith to forward to you. They will better explain the object of this note.

I am, Mr. Minister, very truly, your obedient servant,

W. H. LYNCH,
Secretary.

[Inclosure 2 in No. 130.]

Mr. Turner to Mr. Lynch.

LEGATION OF THE UNITED STATES,
Monrovia, June 20, 1874.

SIR: I have the honor to receive your note of the 28th of May, conveying to me a copy of resolutions adopted by the citizens of Monrovia for the purpose of expressing to the world their bereavement at the death of Charles Sumner.

You will, my dear sir, permit me to assure you in advance of the gratitude of the whole American people. Deeply touched by such expressions of admiration for America's most self-sacrificing humanitarian, and of respectful sympathy for the loss of her most eminent statesman, my countrymen will not fail to appreciate the sentiments of affection which gave birth and utterance to the spirit of those most sympathetic resolutions.

I pray you accept sincere assurances of the high consideration and grateful esteem with which I have the honor to be, sir, your obedient servant,

J. MILTON TURNER.

Hon. W. H. LYNCH.

[Inclosure 3 in No. 130.]

Proceedings of meetings held in the city of Monrovia in memory of the late Charles Sumner, of the United States.

The citizens of Monrovia, having resolved to pay some mark of respect to the late Charles Sumner, a citizen of the United States of America, and a Senator in its Congress, eminent because of his known advocacy of the rights of mankind in general and of the African race in particular, to enjoy alike social, civil, and political privileges, a public meeting was called in the representative hall on Thursday evening of the 22d April, 1874.

The Hon. C. B. Dunbar, M. D., W. M. Davis, and W. H. Lynch, chief patrons.

By motion the Rev. James S. Payne was called to the chair; Hon. C. B. Dunbar and Attorney-General William M. Davis, vice-presidents; W. H. Lynch was elected secretary.

The object of the meeting was stated by the secretary.

After some appropriate remarks by several prominent citizens, among whom were the Hons. J. W. Hilton, Attorney-General W. M. Davis, Col. R. A. Sherman, and Henry DeWitt Brown, it was resolved that the Rev. James S. Payne, the chairman, be respectfully requested to deliver on the 13th May a eulogy to the citizens of Monrovia in memory of the late Charles Sumner. Mr. Payne, in befitting language, signified his acquiescence in the request. A committee, consisting of the Hon. H. R. W. Johnson, J. T. Dimery, and W. H. Lynch, was appointed to draft resolutions expressive of the sense and feeling of the citizens attending the meeting as to their appreciation of the late Charles Sumner.

It was resolved that the government of Liberia be respectfully requested to have the national flag displayed at half-mast in Monrovia on the day of the delivery of the eulogy; and that the secretary transmit said request to the government.

The meeting adjourned to meet at the Methodist Episcopal church on the 7th May, to hear the resolutions and eulogy, at 3 o'clock p. m.

W. H. LYNCH,
Secretary.

MONROVIA, May 13, 1874.

The pastor, Rev. H. E. Fuller, and the steward, of the Methodist Episcopal church, having kindly granted the use of their church edifice to the citizens of Monrovia for this day, the adjourned meeting was called to order by the Hon. W. M. Davis, vice-chairman.

Rev. R. A. M. Deputie introduced the exercises by reading the Scriptures and with prayer.

Rev. James S. Payne, as per invitation of the previous meeting, then proceeded to deliver the eulogy. He was warmly applauded throughout.

The Hon. J. Milton Turner, United States consul-general and minister resident, pursuant to previous invitation of the committee, delivered a speech full of interest and eloquence.

The choir of the Methodist Episcopal church was present on the occasion and performed well suitable anthems.

After the apostolic benediction, the meeting adjourned.

W. H. LYNCH,
Secretary.

RESOLUTIONS.

Whereas we have learned with profound regret of the death of Charles Sumner, an American statesman, whose memory is dear to mankind in general, but to the African race in particular, for his devotion to the cause of justice and equality, manifested by many positive proofs; and whereas as the foremost American statesman, in his place as a Senator of the United States Congress, he aided in securing the recognition of the republic of Liberia by the United States of America, as a free and independent state; and whereas we possess a fellow feeling with our brethren of the African race in the United States in doing homage to the memory of the man who has so unmistakably evinced his belief in the great truisms that God has made of one blood all men who dwell upon the face of the earth; that one touch of nature makes the whole world akin; that equality in men and in races can only be proven when circumstances and opportunities have been equal; and whereas we deem it highly proper that the memory of so sincere a philanthropist as was Charles Sumner should be esteemed and revered by the lovers and advocates of the doctrines of the inalienable rights, social, political, and civil, of all mankind, irrespective of caste, color, or any previous circumstances, state, or condition; and whereas the people of Liberia ever feel that they should hold in grateful remembrance the memory of all who have been prominent in promulgating the aforesaid doctrines, more especially the memory of such a man as Charles Sumner, who was so pre-eminently prominent in maintaining and espousing them; who died at his post in the United States Senate advocating them: Therefore,

Resolved by the citizens of Monrovia in town-meeting assembled, That we do deeply lament the death of the Honorable Charles Sumner, and recognize in it a great loss to the cause of freedom and equality, civil, social, and political rights in the United States of America, especially as regards the descendants of Africa still in that land.

Resolved, That we do hereby record our acknowledgment of Charles Sumner's superior ability as a statesman, his rare talents as a scholar, his unequalled powers as an orator, and his unrivaled devotion to the truth of those high political principles which he espoused: freedom to the enslaved, equality to all men.

Resolved, That while bemoaning the loss of so sincere a friend to Africa and the African race, we do most humbly implore Almighty God that He will, in due time, raise up another like unto Charles Sumner, who shall be ready to defend the cause of justice and humanity toward the oppressed and wronged of any race, caste, or color—and this we faithfully believe God will do.

Resolved, That the secretary of this meeting be requested and directed to forward a copy of the proceedings of this meeting, and the meeting of the 7th May, together with a copy of these resolutions, to the United States consul-general and minister-resident in this city, with a respectful request that he will, in behalf of the citizens of Monrovia, transmit the same to his Government, with a request that copies thereof be forwarded to the President of the United States Senate and the local government of the State of Massachusetts, in the United States of North America.

Respectfully submitted.

W. H. LYNCH,
J. Y. DIMERY,
Committee on Resolutions.

MONROVIA, May 13, 1874.

MEXICO.

No. 450.

Mr. Foster to Mr. Fish.

No. 50.]

LEGATION OF THE UNITED STATES,
Mexico, September 27, 1873. (Received October 20.)

SIR: On the 16th instant the minister of war, General Ignacio Mejia, presented to Congress a voluminous report upon the condition of the Mexican army and upon the military operations during the last four years, accompanied by plans of the principal battles fought during the same period. A copy of this interesting volume will be forwarded to your Department.

General Mejia states the existing regular force of the army to be 22,311 men, the annual appropriation for their maintenance and other expenses of the War Department being \$10,252,522, or nearly half the entire appropriations for the present fiscal year. These forces have been punctually paid. The navy at the present time has only a nominal existence, but a sum of \$400,000 has been appropriated to the purchase of four armed steamers. During the past four years over 30,000 improved arms have been purchased, including 6,268 Remington rifles, carbines, and pistols, 3,000 Enfield rifles, 1,000 Springfield muskets, 10,858 other rifled muskets, 5,370 Spencer and 1,824 Winchester carbines; with a corresponding amount of improved ammunition, and a considerable quantity of artillery. The military academy at Tacubaya, re-established after the fall of the empire, has been placed upon an efficient footing, more than a hundred recent graduates from it being already in active service.

The report shows the Mexican army to be well organized, supplied with good arms, regularly paid, and well disciplined.

I am, &c.,

JOHN W. FOSTER.

No. 451.

Mr. Foster to Mr. Fish.

No. 52.]

LEGATION OF THE UNITED STATES,
Mexico, September 30, 1873. (Received October 20.)

SIR: On the 25th instant the Mexican Congress formally declared the ratification by a majority of the legislatures of the republic of the laws of reform as additions and amendments to the federal constitution, and under the same date President Lerdo proclaimed them as embodied in that instrument. These laws were decreed by the liberal government at Vera Cruz in 1859, and since the overthrow of Maximilian, in 1867, they have been enforced; but their present incorporation into the federal constitution may be regarded as the crowning act of triumph of the liberal government in its long contest with the conservative or church party.

These amendments declare the independence of each other, of the state and church, and forbid the passage of laws establishing or prohibiting any religion; declare marriage a civil contract, and give exclusive jurisdiction to the civil authority to celebrate this and all other civil personal acts; prohibit the acquisition of real estate or capital secured by mortgages by religious institutions, except for specific church-uses; abolish all religious oaths; make unlawful the establishment or existence of monastic orders, or the enforcement of any agreement for personal service without just compensation, or which has for its object the infringement of personal liberty. I inclose herewith a copy and translation (inclosures 1 and 2) of the said amendments and their official promulgation.

I am, &c.,

JOHN W. FOSTER.

[Inclosure 2 in No. 52.—Translation.]

Amendments to the Mexican constitution.

The citizen President of the republic has been pleased to address to me the following decree:

Sebastian Lerdo de Tejada, constitutional President of the United States of Mexico, to all the inhabitants thereof:

Know ye that the Congress of the Union has decreed the following:

The Congress of the United States of Mexico, in the exercise of the faculty conferred upon it by the one hundred and twenty-seventh article of the constitution promulgated on the 12th of February, 1857, and with the previous approval of a majority of the legislatures of the republic, declares—

The following are additions and amendments to the said constitution:

ARTICLE 1. The state and the church are mutually independent. Congress cannot pass laws establishing or prohibiting any religion.

ARTICLE 2. Marriage is a civil contract. This and the other acts of the civil life of individuals are under the exclusive supervision of the civil officials and authorities, in the manner provided by the laws, and will have the force and validity which said laws confer upon them.

ARTICLE 3. No religious institution can acquire real estate or capital, secured by mortgage thereupon, with the single exception provided in the twenty-seventh article of the constitution.

ARTICLE 4. The simple promise to speak the truth and comply with the obligations which are undertaken, shall take the place of the religious oath, with its effects and penalties.

ARTICLE 5. No one can be compelled to give personal service without just compensation and without his full consent. The state cannot permit any contract, compact, or agreement to be executed which may have for its object the diminution, loss, or irrevocable sacrifice of personal liberty, whether by reason of labor, education, or religious vow. The law, therefore, does not recognize monastic orders, nor can it permit their establishment, under whatever name or object they may claim it to be formed. Neither can it allow any compact by which an individual agrees to his own proscription or banishment.

Hall of the Congress of the Union, Mexico, September 25, 1873.

(Signed by all the deputies of the Congress.)

Therefore I order the above to be printed, published, circulated, and duly obeyed. Given in the national palace of Mexico, September 25, 1873.

SEBASTIAN LERDO DE TEJADA.

To the Citizen CAYETANO GOMEZ Y PEREZ,

In Charge of the Ministry of the Interior.

And I communicate the above to you for your information and consequent action.

Independence and liberty!

Mexico, September 25, 1873.

CAYETANO GOMEZ Y PEREZ,
Chief Clerk.

No. 452.

Mr. Fish to Mr. Foster.

No. 40.]

DEPARTMENT OF STATE,
Washington, October 22, 1873.

SIR: Your dispatch No. 52, of the 30th ultimo, has been received. The Mexican government deserves congratulation upon the adoption of the amendments of its constitution, to which the dispatch relates. It may be regarded as a great step in advance, especially for a republic in name. We have had ample experience of the advantage of similar measures, an experience, too, which has fully shown that, while they have materially contributed to enlarge and secure general freedom and prosperity, they have by no means tended to weaken the just interests of religion, or the due influence of clergymen in the body politic.

I am, &c.,

HAMILTON FISH.

No. 453.

Mr. Fish to Mr. Foster.

No. 47.]

DEPARTMENT OF STATE,
Washington, November 11, 1873.

SIR: I transmit a copy of a communication of yesterday, addressed to this Department by the Secretary of the Interior, recommending that the Mexican government be apprised of the high sense entertained by this Government of the services rendered by Don Antonio Montero, of Saltillo, in the recent removal of Kickapoo and other roaming Indians from Mexico. You will accordingly address a note to the Mexican minister for foreign affairs, expressing the gratification of this Government with the agency of Mr. Montero in that business.

I am, &c.,

HAMILTON FISH.

[Inclosure.]

*Mr. Delano to Mr. Fish.*DEPARTMENT OF THE INTERIOR,
Washington, D. C., November 10, 1873. (Received November 11.)

SIR: I have the honor to transmit herewith a copy of a communication, dated the 1st instant, from the Commissioner of Indian Affairs, together with a copy of a letter to him from Henry M. Atkinson and Thomas G. Williams, who were appointed special commissioners to remove the Kickapoo and other roaming Indians from the republic of Mexico.

The commissioners recommend that Señor Antonio Montero's services be represented to the Department of State, with a view to the Mexican government's being informed of the valuable assistance rendered by him in securing the success of their mission.

The subject is respectfully presented to the honorable the Secretary of State, for such action as he may deem appropriate touching the request of Commissioners Atkinson and Williams, to have Señor Montero associated with them in completing the removal of the Indians remaining in Mexico, in the event that Congress make a further appropriation for that purpose.

Very respectfully, &c.,

C. DELANO,
Secretary.

[Inclosure 1 in inclosure in No. 47.]

Mr. Smith to Mr. Delano.

DEPARTMENT OF INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., November 1, 1873.

SIR: This Office is in receipt of a communication, bearing date the 20th ultimo, from Henry M. Atkinson and Thomas G. Williams, who were appointed by this Department special commissioners to remove the Kickapoo and other roaming Indians from the republic of Mexico, submitting a telegram received by them from Señor Antonio Montero, of Saltillo, Mexico, regarding the removal of such Indians, and recommending that as Señor Montero's services were of the greatest importance to them in reaching the Indians and securing the success of their mission, the matter be laid before the Hon. Secretary of State, with a view of having the Mexican government informed concerning the valuable services rendered by Señor Montero, &c.

In accordance with such request, I have the honor to submit herewith a copy of said communication for transmission to the Hon. Secretary of State, for the action indicated.

Very respectfully, &c.,

EDWARD P. SMITH,
Commissioner.

[Inclosure 2 in inclosure in No. 47.]

Messrs. Atkinson and Williams to Mr. Smith.

WASHINGTON, D. C., October 20, 1873.

SIR: In submitting the annexed telegram we have the honor to make a short statement and a request.

Señor Antonio Montero, of Saltillo, State of Coahuila, Mexico, was selected by Governor Cepeda of that state, and commissioned by him as commissioner to co-operate with us in the removal of the Kickapoos and other roving tribes from Mexico back to their reservations in the United States.

We have already stated in our last report to you that Señor Montero's services were not only faithful and constant, but were of the greatest importance to us in reaching the Indians and in contributing to the success of our mission, and if a further appropriation of funds is made by Congress, upon such recommendation as you may see fit to make concerning the removal of the balance of those Indians from Mexico, we would earnestly request that the proper steps be taken to have Señor Antonio Montero appointed by the government of Mexico a commissioner to complete with us the work now so far advanced.

We would also very respectfully request that you will ask the honorable Secretary of the Interior to lay this matter before the honorable Secretary of State, with a view of having the Mexican government informed concerning the valuable services rendered by Señor Antonio Montero, and that he could, perhaps, better than any one else, aid in fully completing the objects of our mission.

We have, &c.,

HENRY M. ATKINSON,
THOS. G. WILLIAMS,
Special United States Indian Commissioners.

No. 454.

Mr. Foster to Mr. Fish.

No. 70.]

LEGATION OF THE UNITED STATES,
Mexico, November 19, 1873. (Received December 12.)

SIR: I have the honor to acknowledge the receipt of your dispatch No. 40, conveying your congratulations to the Mexican government upon the adoption of the amendments to its constitution, incorporating therein the laws of reform. Immediately upon the receipt of this dispatch I communicated its contents to Mr. Lafragua, minister of foreign affairs,

in a note of the 15th instant. (Inclosure 1.) On the 17th instant, Mr. Lafragua took occasion to express to me, in a personal interview, the high gratification with which President Lerdo had received your congratulations upon this event, so important in the history of Mexico, and in a note of the same date he acknowledged the receipt of my note of the 15th instant, in which he conveyed to me the sincere thanks of the President for the cordial congratulations which you had thought proper to address to him, and for the friendly sentiments which animate the people and Government of the United States with regard to the people and government of Mexico, a translation of which note I inclose, (2.)

This correspondence was yesterday read in the National Congress by the minister of foreign affairs, by direction of the President of the republic, and after its reading, the president of Congress, in the name of that body, expressed the gratification with which the assembly had received the intelligence, and by a vote of Congress the correspondence was entered upon its journal. The minister of foreign affairs has also caused its publication in the official newspaper, and it has appeared in all the periodicals of this capital.

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 70.]

Mr. Foster to Mr. Lafragua.

LEGATION OF THE UNITED STATES,
Mexico, November 15, 1873.

SIR: On the 30th of September last I had the pleasure of forwarding to my Government a copy of the amendments to the constitution of the United Mexican States, by which the laws of reform were incorporated into that instrument. In making this transmission I took occasion to characterize the event as the crowning act of triumph of the liberal government in its long contest with the conservative party.

I am gratified to inform your excellency that the Secretary of State, in acknowledging the receipt of my dispatch, states that "the Mexican government deserves congratulation upon the adoption of these amendments to its constitution, and that they may be regarded as a great step in advance, especially for a republic in name. We have had ample experience of the advantage of similar measures, an experience, too, which has fully shown that while they have materially contributed to enlarge and secure freedom and prosperity, they have by no means tended to weaken the just interests of religion or the due influence of clergymen in the body politic."

It is especially pleasing to me to thus convey to your excellency the congratulations of my Government on the great triumph of the Mexican people under the administration of President Lerdo, and to assure you of the deep interest and sympathy of the people and Government of the United States in all the efforts of Mexico to establish and perpetuate its republican institutions upon the basis of enlightened progress, and that they earnestly desire its peace, prosperity, and material development.

I avail, &c.,

JOHN W. FOSTER.

[Inclosure 2 in No. 70.—Translation.]

Mr. Lafragua to Mr. Foster.

MINISTRY OF FOREIGN RELATIONS,
Mexico, November 17, 1873.

SIR: I have had the honor to receive your excellency's communication, dated the 15th instant, in which your excellency is pleased to state to me the following: that having forwarded to your government the decree which declares constitutional the

laws of reform, giving to this act the character of a triumph of the liberal government in its long struggle with the conservative party, it is gratifying to you to inform me that the Secretary of State of the American Government congratulates the government of Mexico on the adoption of those laws as constitutional amendments, which may be considered as a grand step taken in the path of progress, and that, though they will contribute to increase and strengthen liberty and prosperity, they do not tend to prejudice the just interests of religion. Your excellency adds that it is especially gratifying to you to transmit the congratulations of the Government of the United States on this great triumph of the Mexican people under the administration of President Lerdo, and to assure me of the deep interest and sympathy of the people and Government of the United States in all the efforts Mexico makes in order to establish and perpetuate republican institutions.

The President of the republic has received with special gratification the expression of the kind sentiments which animate the people and Government of the United States respecting the people and government of Mexico, which sentiments could not have been interpreted by a more estimable person than your excellency. The President is sincerely thankful, as well for the cordial congratulation which his excellency the Secretary of State has had the kindness to address to you on account of the proclamation of the amendments to the federal constitution, as for the ardent wishes which your excellency manifests for the consolidation of the republican institutions and of peace, and for the prosperity and material development of the United Mexican States.

Long and terrible, it is true, has been the struggle between the society of the past, which had its being from the remnants of the colonial system, and modern society, which desires to live practicing democratic principles; for it was not easy to alter, in a short time, certain deeply rooted customs, nor destroy, without overcoming an obstinate resistance, the interests and properties profusely disseminated, and which were the most efficacious elements that could be offered against the establishment of any reform and of the consolidation of the principles which it has proclaimed. But reform triumphed, and its principles, clothed with the sacred constitutional character, form now an integral part of our political institutions. Rightfully, therefore, your excellency has called a great triumph that which the Mexican people have this time achieved. The people who, at the cost of so many sacrifices, have known how to conquer and defend their independence and liberty, have succeeded in establishing reform, and will no doubt know how to defend it, making all the sacrifices that may be necessary in order to preserve those inestimable blessings.

I avail, &c.,

J. M. LAFRAGUA.

No. 455.

Mr. Foster to Mr. Fish.

No. 74.]

LEGATION OF THE UNITED STATES,
Mexico, November 22, 1873. (Received December 12.)

SIR: In my dispatch No. 6 I advised you of the ratification of a contract by the Mexican minister of public works, with Mr. Edward Lee Plumb, as the representative of the International Railroad Company of Texas, for the construction of an extensive system of railroad-lines in Mexico. This contract was sent to Congress at the opening of the present session. Two other and similar propositions were submitted to Congress, one by the Mine Contract Company, of Pennsylvania, and the other by an organization entitled "the Mexican Railroad Company, Limited." The three propositions were recently referred to the President, with instructions to make a new contract with one of these companies, or with a combination of them. On the 21st instant the President decided the matter in favor of the Mexican company, thus rejecting the propositions of both of the American companies. Congress has decided upon a constitutional amendment, creating a senate or upper branch of the national legislature; and it is now engaged in discussing its powers and duties. The amendment will probably be submitted to the States before the adjournment. The authority of the federal government continues to be recognized throughout the republic. But an insurrection against

the State government has been in progress in Sonora, which it is claimed is nearly suppressed. Similar armed opposition to the State governments exists in Coahuila and Yucatan. Since my last dispatch in reference to current events, the line of telegraph has been completed to the port of Acapulco, on the Pacific coast.

The municipal exposition of this city, which had much the character of a national exhibition of manufactures and arts, has just terminated, and was attended with notable success as the first effort of that kind.

I am, &c.,

JOHN W. FOSTER.

No. 456.

Mr. Foster to Mr. Fish.

No. 79.]

LEGATION OF THE UNITED STATES,
Mexico, December 6, 1873. (Received December 29.)

SIR: The consul at Tampico, under date of October 28, transmitted to me a communication from Mr. Edward Owen, consular agent at Tuxpan, stating that the jefe politico at Tuxpan had forbidden him, by authority of the Mexican consular law of November 26, 1859, the privilege of raising the American flag on national and feast days, but had stated to him that the President of the republic would, without doubt, grant the permission. Mr. Owen thereupon solicited me to make application for such permission.

In a call which I made upon the minister of foreign affairs on the 26th ultimo I informally mentioned to him the above-stated facts, and requested, after he had conferred with the President, to be informed of the practice in this particular, and whether the Mexican government would expect a strict compliance with the law on the part of American consuls. On the 5th instant Mr. Arias, chief clerk of the foreign office, in the absence of Mr. Lafragua, stated that the President did not consider that he had the power to grant an express permission in violation of the law, and that he could not therefore comply with the request of Mr. Owen; but that the government never had enforced the observance of the law on this point, and that in this city and elsewhere throughout the republic it had allowed not only recognized consular officers, but even agents of governments with which Mexico had no diplomatic relations, to display their respective flags on national and other public days.

The 30th article of the Mexican consular law of November 26, 1859, to which reference is made, states that "commercial (consular) agents can only raise the flag of their country when the place in which they reside shall be besieged, or when a mutiny or sedition shall have broken out in its midst." A copy and translation of this law, complete, was transmitted to the Department of State by Julius A. Skilton, esq., consul-general in this city, as an inclosure to his dispatch No. 52, August 15th last, to which the attention of the Department of State is respectfully directed.

I am, &c.,

JOHN W. FOSTER.

No. 457.

Mr. Foster to Mr. Fish.

No. 87.]

LEGATION OF THE UNITED STATES,
Mexico, December 31, 1873. (Received January 14, 1874.)

SIR: The troubles in the State of Coahuila, between the governor and the legislature, continue, there having occurred during the past month further conflicts between the armed forces of the opposing factions, resulting in the defeat of the governor, who has sought the protection of the federal troops in occupation of Saltillo, the capital. The Congress of the Union has authorized the President to appoint a person, subject to its confirmation, to be intrusted with the administration of affairs in the State, and who will be supported by the federal army until elections have been held for members of the State legislature in the districts where vacancies exist, and until a full legislature may be assembled and settle the existing political disorders. The armed conflict in the State government of Yucatan also still continues, and federal troops have been sent to that State to restore peace.

The most exciting topic which has occupied the attention of Congress during the present session has been the contract which the government entered into with the Mexican Railroad Company, operating the road from this city to Vera Cruz. The submission of this contract by the President to Congress for its approval elicited a strong opposition both to the terms of that instrument and to the present administration. After a bitter and protracted debate the contract was approved by a majority of five votes. It provides for a change in the tariff of freights, the extension of the Jalapa branch, appropriates \$560,000 annually for twenty years from the receipts of custom-houses, to be paid the company, and other important modifications of existing legislation relating to that railroad.

Hon. Leon Guzman, attorney-general of the republic, has tendered his resignation to Congress, on account of his opposition to the present attitude of the administration.

The official journal of the government has announced that the Mexican minister at Washington has been instructed to make complaint to the Government of the United States in regard to the incursions into the State of Sonora, Mexico, of Indians from Arizona Territory.

Señor Granados, chargé d'affaires of Guatemala, in this capital, has resigned his position, under instructions from his government; and he informs me that there is no probability that the vacancy will be filled until Mexico shall send a diplomatic representative to Guatemala.

There are now in this capital permanent representatives of the German Empire, Spain, and Italy, without the corresponding representatives from Mexico in those countries.

I am, &c.,

JOHN W. FOSTER.

No. 458.

Mr. Foster to Mr. Fish.

No. 91.]

LEGATION OF THE UNITED STATES,
Mexico, January 7, 1874. (Received January 28.)

SIR: I transmit herewith a copy of the annual report of the Mexican minister of finance, (*Hacienda y crédito público*), Hon. Francisco Mejia,

for the fiscal year ending June 30, 1873, which is very comprehensive, and presents a valuable compilation of statistical information. The total receipts of the national treasury for the year aggregate \$20,271,460, of which the two principal items are, from import-customs, \$9,265,700 and from stamps \$2,217,274. The total expenditures are \$20,689,345. The public internal debt is stated at \$11,464,273. The foreign debt is recognized in the report as follows: English, \$63,498,130; convention, \$4,351,348; Spanish, \$7,400,000; Padre Moran, \$800,000; American claims adjudged by the mixed commission, \$401,685.19; making a total of \$76,452,163.19, which the minister estimates as \$8.48 per capita of the inhabitants of the republic. I have found no classification or specific mention of the bonds issued by the republican government during the war of intervention, and now held by citizens of the United States. The coinage of the republic for the year ending June 30, 1872, was \$19,891,928, of which amount \$18,864,936 was of silver.

I am, &c.,

JOHN W. FOSTER.

No. 459.

Mr. Foster to Mr. Fish.

No. 93.]

LEGATION OF THE UNITED STATES,
Mexico, January 14, 1874. (Received January 28.)

SIR: Referring to my dispatch No. 91, January 7, transmitting a copy of the report of the Mexican minister of finance, I desire to direct your attention to the fact that although the report purports to set forth both the foreign and internal debt of the republic, there is no classification or mention of the bonds issued by the republican government during the war of intervention and sold in the United States, and which I am informed are mainly, if not entirely, held by citizens of the United States. Deeming the omission an important one, on the 27th day of December last I personally and informally inquired of Mr. Mejia, minister of finance, as to its cause; whereupon the minister informed me that a portion of these bonds were included in the statement of the public internal debt, though not specifically mentioned, and that the others were not included, for the reason that they had not yet been classified. He promised, however, to have prepared immediately a statement of all the outstanding bonds of the character referred to, which he would send to me by the 29th ultimo, but up to the date of closing this dispatch such statement has not been received by me.

Inquiries have been made of me by citizens of the United States holding some of these bonds, but, in the absence of any instructions from your Department, I have not felt authorized to address the Mexican government upon the subject. No interest has been paid upon the bonds for a number of years.

I am, &c.,

JOHN W. FOSTER.

No. 460.

Mr. Foster to Mr. Fish.

No. 97.]

LEGATION OF THE UNITED STATES,
Mexico, January 23, 1874. (Received February 13.)

SIR: The seventh Congress of the Union terminated its first session

on the 21st instant. I inclose herewith a translation of the address of President Lerdo, read before that body at its adjournment.

Among the most important acts of Congress was its approval of the contract made, by order of the President, with the Mexican company, for the construction of an extensive system of railroads, referred to in my dispatch No. 74, thus completing legislative action upon that subject. Congress has also granted an extension for one year of the concession to the Tehuantepec Railway and Canal Company. It has also approved a treaty of amity and commerce between Mexico and Italy, the ratifications of which are to be exchanged in this city on or before April next. Before its adjournment the President sent to Congress the nomination of ministers plenipotentiary to the German Empire and to Spain. The action of the federal government, referred to in my dispatch No. 87, has apparently pacified the troubles in the State of Coahuila.

I am, &c.,

JOHN W. FOSTER.

[Inclosure.]

[From translation in the Two Republics.]

MEXICO, Sunday, January 25, 1874.

President Lerdo's speech.

CITIZEN DEPUTIES: In the first period of your sessions, prorogued until to-day, by your patriotic zeal, as permitted by the constitution, you have considered subjects of great importance, which you have decided to the advantage of the republic. The long-pending treaties which the executive celebrated with the King of Italy, concerning commerce and the extradition of criminals, have been approved by Congress, and will soon be ratified so as to go into operation as a law of the Union.

The friendly relations which fortunately exist between the two countries will thus be rendered more intimate. The great work which cost such bloody sacrifices, the laws of reform, having definitively received constitutional sanction, now form an integral part of our institutions. This act, of the highest importance for the Mexican people, will ever be a title of glory for the seventh constitutional Congress.

The intelligent discussion which has continued during your sessions upon some other reforms in the fundamental compact gives reason to hope that they may soon be terminated, aiding not only to perfect our system, but also to further develop the practice of liberal principles. Congress having scrutinized the popular election of magistrates of the supreme court of justice, the highest tribunal of the Union, to which the laws concede such high attributes, has been duly completed. The judicial organization in the territory of Lower California was insufficient for the vast extent of its territory, causing real damage to public interests. This evil has been remedied by the action of Congress, in establishing the new tribunals found necessary for so noble an object.

The subsidy granted to the steamship line between Vera Cruz and New York having been renewed by Congress, this important means of communication will continue to exist, and will afford new advantages to commerce, and greater facilities for the movement of passengers between the extreme and intermediate points of that interesting line.

A new line of steamers between Vera Cruz and Havana, which is to touch at several ports of the Gulf, having also been subsidized by another decree, this line will efficiently serve to stimulate our mercantile relations with the island of Cuba and the exportation of our valuable national productions.

The modifications made in the law of real-estate contributions have remedied defects shown by experience. Some disadvantages for the tax-payer have thus been abolished without damage to our fiscal interests. The admitted propriety of extending to a greater number of localities the benefits of the telegraph, inspired Congress with the resolution of establishing new telegraphic lines from Michoacan to Guadalajara and the ports of Manzanillo and San Blas, as also from San Luis to Zacatecas and Durango. The utility of these measures is unquestionable, as is also that of the decree for the canalization between the lagoons of Chijol and Tamiahua, in the State of Vera Cruz. These communications will develop an important trade. Among other beneficent

measures taken by Congress, that relating to a road to Comanja, to facilitate the extraction of the abundant products of its iron-mines, deserves notice, as also the power given the executive to transfer to another company the concession for a railroad between Puebla and Matamoros Izucar, so important for that rich district.

The period granted to the company which proposes to establish interoceanic communication across the Isthmus of Tehuantepec, having been extended for a year, there is a new hope of the realization of so highly interesting a project, and one recognized as such by all the governments of the republic.

The settlement of the new tariffs for the railway from Mexico to Vera Cruz, has been one of the principal subjects to which Congress has devoted its intelligent attention. If in this important matter all that could be desired was not obtained, there was at least obtained all that was possible for the purpose of stimulating the exportation of our productions, thus giving a new impulse to agriculture, which is the principal source of the national wealth, and which ought to be the most productive in the future. The executive having scrupulously examined the several projects that were presented for the interoceanic and international railway, gave the preference to the company lately formed, because it really offered the most favorable conditions.

With the approval which Congress has given to this project, it has demonstrated its patriotic zeal for the realization of this enterprise which is of the highest importance, not only for the interests of our country, but for those of the civilized world which will take advantage of this means of communication between the great continents.

The determination of Congress for the purchase of revenue-cutters will be very useful for the maintenance of order in our ports and the due protection of our fiscal interests. The differences which brought about a grave conflict between the powers of the State of Coahuila, reached a point which rendered indispensable the intervention of the federal authority. The prudent measures taken by Congress immediately produced the happiest results, affording an assurance that within a very short time constitutional order will be entirely re-established in that state. The reports presented by the cabinet ministers contain the administrative history of the past two years. They will serve, not only to make known the acts of the government, but also to facilitate the continuation of the improvements commenced, the undertaking of other new ones, the remedying of evils discovered, and the development of the important elements which our country possesses. We may hope for much under the auspices of the peace happily maintained throughout the nation. We cherish flattering hopes that public order will not be disturbed, resting upon the good sense of the Mexican people, and its well known desire to devote itself to social progress. Receive, citizens, deputies, my sincere congratulations, because during your brief retirement from your legislative tasks, you will enjoy the satisfaction of having labored with the most intelligent and patriotic zeal for the happiness and prosperity of the republic.

No. 461.

Mr. Foster to Mr. Fish.

No. 98.]

LEGATION OF THE UNITED STATES,
Mexico, January 24, 1874. (Received February 13.)

SIR: The question which has more prominently occupied the attention of the Mexican Congress, the President and his cabinet, and the public press, than any other for more than two years, has been that of a governmental concession for the construction of a national system of railroads. As the Department of State has been heretofore advised, before the adjournment of the last Congress in May, 1873, a contract was made between the Mexican government and Mr. Edward Lee Plumb, as the representative of the International Railroad Company of Texas, for this purpose. During the session of the present Congress just closed, the contract with Mr. Plumb was revoked, and a new one made, by order of the President, with a company claiming to be Mexican in its organization and interests, but which in fact is composed of six Mexican citizens and eight foreigners. This latter contract has been approved by Congress, and it now has the full force and validity of the legislative sanctions.

The action of the Executive in this matter caused much comment in the public press, and evoked a debate in Congress on the relative merits of American and European enterprises, and on the political policy of granting to any American company a concession to construct railroads in Mexico, and connect the railroad systems of the two republics. Hon. Ramon Guzman, chairman of the committee of industries, which reported the contract made by the Executive with the so-styled "Mexican company," in advocating its adoption in the chamber of Congress, maintained that it was contrary to the political as well as commercial interests of Mexico to grant a concession for the construction of railroads in this republic, to an American company, asserting that it was much safer to intrust such construction to European management and capital. He also insisted that it was dangerous to the interests of Mexico to have the railroad system of the United States extended into Mexican territory, as it would be used to facilitate another invasion of this country, attributing to the United States the same spirit of territorial aggrandizement and hostility which he alleged caused the war of 1846-'47. This speech (although I am informed materially modified) has been published in the official organ of the government, with favorable editorial comments, and, in view of Mr. Guzman's position in Congress and his reputed confidential relations with the administration, his declarations are considered as specially significant. I am gratified, however, to inform you that these sentiments were not permitted to remain unanswered in the chamber. Hon. Estanislao Cañedo, a distinguished deputy, and a gentleman of intimate and personal acquaintance with American and European affairs, in an able and eloquent speech repelled the unfriendly assumptions of Mr. Guzman, and vindicated American skill and enterprise, as also the friendly spirit of the Government and people of the United States. I inclose herewith an extract from that portion of Mr. Cañedo's speech which treats of the political relations of the two republics.

I am, &c.,

JOHN W. FOSTER.

[Inclosure.—Translation.]

Extract from a speech delivered by Hon. Estanislao Cañedo, in the Mexican Congress, on the 10th of January, 1874, on the railway question.

As the opinions expressed upon our international policy by the chairman of the committee are liable to receive an interpretation which would obscure the real state of public opinion, I will venture to insist further upon the character of our relations with the United States, acting in this respect upon the line of conduct which I have observed in previous Congresses, whenever reference has been made to this point of the highest interest, for the frank and loyal harmony which ought to exist between two sister republics, doubly united by the community of political and commercial interests. To judge of the present relations between Mexico and the United States by those of 1847, is to invoke an analogy which can exist only in the minds of those who do not remember the laborious transformation which has taken place in both nations during the past thirty years.

At the date to which the orator has gone back, I would have been as uncompromising as he now is, and would have made every possible effort to remove my country from all contact with a nation whose government, not content with caressing at home that social plague called slavery, cherished the criminal design of extending it to our republic, and even to the whole of America. At that time the pro-slavery element, called democratic, was that which promoted conflicts with Mexico in order to extend its sphere of action, and to bear sway in our northern states, separated from the Mexican community by brute force. The object in view was not, as many suppose, to obtain a sterile increase of territory, but to incrust in the American federation new pro-

slavery entities, which would incline the political balance in favor of the interests of the South.

It is necessary to bear in mind that from that period Mexico found an ally and a defender in the anti-slavery party in the American Senate. When it was discussing that famous declaration, or rather that farce, in which it was proclaimed that war existed by the act of Mexico, the anti-slavery party unanimously denounced that subterfuge, and hostilities were declared by virtue of an insignificant majority of two votes, if I remember right, obtained by the democratic element.

I am far from pretending that this conduct arose from an attachment which does not exist in politics; but it undoubtedly sprung from a certain community of social interests, which, in the course of time, was destined to produce the complete and beneficial transformation which has taken place in the neighboring country. In fact, the pro-slavery party, conquered and forced to surrender at discretion, has lost its ancient power, and is now subject to the policy imposed by its conqueror, the republican party.

While this radical change was being wrought in the social condition of the United States, Mexico also was carrying forward her movement of reform, and produced the constitution of 1857, which has endowed the Mexican people with all the political conquests which constitute the patrimony of the neighboring republic, and which are a source of such just pride to the country of Washington. It is evident, therefore, that there is no ground for considering the present epoch akin to that recalled by the previous speaker. The contrast between them is immense, and it is natural that the disappearance of the former causes of antagonism between the two leading republics of America should have modified the effects resulting therefrom.

This truth presents itself in all its force, on reviewing the last few years, during which the neighboring republic solved its great social and humanitarian problem, by the gigantic war which it waged for the extinction of slavery. At the same time, by a rare coincidence, Mexico solved the problem relating to her autonomy and independence, and to the destiny of the republican principle on this continent; repulsing the European invader, who pretended to impose upon her a shameful tutelage, under cover of the monarchical system. At that time, as I had the honor to remind this chamber in a recent debate, both nations joined hands over the legions of slavery—over the bayonets of Napoleon III, and of Maximilian of Austria. How is it possible that this political alliance, formed in moments of trial and affliction, should disappear like smoke after the victory is gained, and the future of both nations is assured?

No, this supposition is purely gratuitous, and it is logical, it is natural, that as a necessary consequence, the union springing from the solidarity of interests should follow the union arising from identity of principles. I hear it said that the splendid edifice which I have just erected, will come to the ground in a moment on the day when the republican party loses a presidential election in the United States, and that our relations with that country will then return to the condition they were in when the democratic party held sway at Washington. I think that this opinion is unfounded. I do not deny the possibility of some difficulty arising between two countries separated only by a river or by an imaginary line; but what I affirm is, that the political and moral triumphs obtained by the republican party, at the cost of so many tears and so much blood, cannot be nullified by a few votes thrown into the ballot-box. Slavery is dead, forever dead. Five millions of rational beings, accustomed to breathe the air of liberty, will never again bend their necks before the whip of the trader in human flesh. The cause having ceased, the effect ceases. The spirit of conquest, kept alive by the desire of extending the sphere of slavery, has received a mortal wound.

Moreover, the great political and humanitarian principles which have been set in motion by the triumph of the republican party, cannot disappear. The arbitrament of friendly powers to prevent the effusion of blood, in cases of international differences, initiated by President Grant, has discovered a new horizon to all civilized nations.

The conduct of the American Congress in the Cuban question, and particularly in regard to Santo Domingo, whose annexation was rejected notwithstanding the manifest desire of that republic to link its destiny to that of the United States, denotes a radical change in the policy of our neighbors, a policy which honors them, and which could not be replaced by the unjust and immoral greed of conquest without dealing a mortal blow to their institutions and to their powerful Union.

It seems to me as difficult that an electoral surprise should substantially modify the political and social conquests which have resulted from the triumph of the republican party, or rather of the great national party in the United States, as it would be for the theocratic power to recover sway among us, or that our country be again converted into an immense military camp.

I firmly believe that we ought not to sacrifice to groundless fears the development of our commercial relations with the United States. This inestimable benefit would be worth more than the best diplomatic treaty with our neighbors, because the alliance, founded upon a community of interests, is a thousand times better than one stipulated in virtue of the abstract principles of international law. Money and credit have no nationality. If American capital is presented to construct our railroads, I fervently

hope that no further question will be raised as to the prudence or patriotism of accepting its co-operation. The sound principles of political and commercial convenience, which I invoke at this moment, are fortunately the same which animated the Sixth Congress in authorizing the Executive to celebrate the Plumb contract, and which actuated our Chief Magistrate in signing that contract with the representative of an American company. If the theories advanced by the previous speaker had in their favor the slightest justification, what terms of censure should we not employ in stigmatizing the hasty and unpatriotic conduct of the supreme legislative power of the Union and of the President of the republic in the case in question.

No. 462.

Mr. Fish to Mr. Foster.

No. 68.]

DEPARTMENT OF STATE,
Washington, January 28, 1874.

SIR: With reference to your dispatch of the 27th of August last, relative to alleged depredations of Apache Indians of Arizona Territory upon citizens of Sonora, in Mexico, I transmit a copy of a communication of the 10th instant, addressed to this Department by the Secretary of the Interior. You will make such use of the communication as may be most advisable, toward explaining to the Mexican government that careful inquiry has been made into the complaints which had been addressed to them on the subject, and that there is every disposition on our part to prevent a recurrence of occasion for similar complaints.

I am, &c.,

HAMILTON FISH.

[Inclosure.]

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 10, 1874.

SIR: This Department received, on the 23d of September last, a letter from the honorable the Secretary of State, inclosing a copy of a dispatch, under date of the 27th August last, addressed to the Department of State by Mr. Foster, the minister of the United States at the city of Mexico, and its accompaniments, in relation to depredations alleged to have been committed by Apache Indians of Arizona Territory upon citizens of the State of Sonora, Mexico. On the 26th September, 1873, the Commissioner of Indian Affairs was instructed to forward copies of the papers referred to to Indian Inspector Vandever, with a request that he investigate the subject and report to the Department. On the 16th ultimo the Commissioner of Indian Affairs submitted to this Department two reports from Inspector Vandever, dated October 19 and 20, 1873, respectively, concerning the depredations alluded to, with depositions of Juan Acuña and Joseph Pierson, and statements of Governor Safford, of Arizona, of R. A. Wilbur, agent for the Papago Indians, and of J. W. Hopkins, United States deputy collector of customs at Tucson, Arizona; also, a number of recent copies of "La Estrella de occidente," the official newspaper published at Ures, the capital of Sonora, containing marked articles, giving an account of Apache depredations in said State, copies of all which, including translations of the marked passages in said newspapers, are herewith transmitted for the information of the honorable the Secretary of State.

I will remark, in this connection, that a recent recommendation having been made by the officer commanding the Division of the Pacific that the control over the Indians on the Cochise or Chiricahua reservation be assigned to the military, the subject was referred to the Indian Bureau for report. The Commissioner of Indian Affairs, in a letter dated the 2d instant, says: "While there is evidence from official reports and other reliable sources that Cochise has endeavored, with commendable success, to carry out, in good faith, his promises to Special Commissioner General O. O. Howard, whose authority was plenary to make terms with this chief, it must be acknowledged that, owing to limited means at command, distance of the region, and difficulty of transportation, the Government has been apparently tardy in complying with its promises to Cochise and his band. These promises, however, at this date are being more fully

complied with; and it is respectfully suggested and requested that Cochise have further opportunity to show his disposition and power to prevent raids, and his readiness to comply with his agreement to keep the peace."

Under existing circumstances, as reported by the Commissioner, it was not deemed expedient at that time to acquiesce in the recommendation above referred to.

This Department will, however, in the event of a failure, which is not anticipated, on the part of the officers and agents of the Indian service, to put a stop to the depredations complained of, take further measures with the co-operation of the War Department, for the protection of the citizens of Sonora, and of the United States, against the Indians of Arizona.

A copy of a communication, dated the 29th ultimo, from the Indian Bureau, containing instructions to the agent for the Indians of the Chiricahua agency, is also herewith transmitted for your information.

I have the honor to be, very respectfully, your obedient servant,

C. DELANO,
Secretary.

Hon. HAMILTON FISH,
Secretary of State.

[Inclosure 1 in inclosure No. 68.]

DEPARTMENT OF THE INTERIOR,
Washington, D. C., September 26, 1873.

SIR: I transmit herewith a communication, dated the 23d instant, from the honorable Secretary of State, and the dispatch therein referred to, of the United States minister to Mexico, in reference to complaints in the Mexican press, in relation to the depredations by the Apache Indians of Arizona Territory upon the citizens of Sonora, Mexico.

I would thank you to forward copies of these papers to Inspector Vandever, with a request that he will investigate the subject and report to the Department.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

The COMMISSIONER OF INDIAN AFFAIRS.

[Inclosure 2 in inclosure in No. 68.]

Mr. Smith to Mr. Jeffards.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., December 29, 1873.

SIR: I am in receipt of your report of your agency for the month of November, 1873, in which you state your action in returning the horses stolen from the Rio Mimbres, and also that you have been informed that a drove of horses stolen in Sonora have been trailed to your reservation, but have not found whether they were on the reservation or not.

You also state that Indians continue to come from northern reservations asking to be allowed to draw rations under pretense that they have been driven off their own reservations by the harsh measures of the military, and that you order them to return to their reservation.

You express the opinion that it is Indians of this class who commit the most of the numerous depredations complained of in Sonora; that these Indians cross your reservation to enter Sonora, and return the same way, leaving a trail leading to your reservation which brings Cochise's band under the imputation of committing the marauding.

In connection with the facts, as stated by you, you are informed that the request has been made by the military division of the Pacific that your reservation be turned over to the control of General Crook, in order to prevent depredations in Sonora by Indians, and unless these depredations can be stopped by your action, with the co-operation of Cochise and his band, this Department will feel obliged to comply with the request of the Military Department.

The matter is submitted for your serious consideration and that of the Indians. You will inform Cochise and his band of the prompt and decisive measures necessary on their part in preventing any other Indians from crossing their reservation into Sonora

or in case they should cross and depredate in Sonora, to give them chase, and capture them and their booty.

Give Cochise distinctly to understand that unless the line between his reservation and Mexico can be thus guarded, this reservation will be held by the military, and he will be obliged to bring his men to a daily roll-call, that the truth as to whether any of his men depredate in Sonora may be established.

You will report at once as to the result of this conference with Cochise, and make any suggestions you may deem proper in the case.

Very respectfully, &c.,

EDWD. P. SMITH,
Commissioner.

No. 463.

Mr. Fish to Mr. Foster.

No. 71.]

DEPARTMENT OF STATE,
Washington, January 29, 1874.

SIR: Your dispatch, No. 93, of the 14th instant, relative to Mexican bonds held by citizens of the United States, has been received.

The statement of those bonds promised to you by Mr. Mejia, the minister of finance of Mexico, will be awaited with interest.

I am, &c.,

HAMILTON FISH.

No. 464.

Mr. Foster to Mr. Fish.

No. 108.]

LEGATION OF THE UNITED STATES,
Mexico, February 13, 1874. (Received March 3.)

SIR: By an act of the Mexican Congress passed on the 30th of September, 1872, the President was authorized to appoint a commission to inquire into the facts concerning robberies of cattle and other crimes alleged to be constantly committed on both sides of the Rio Grande frontier. An American commission was then in session at Brownsville engaged in the same investigations, and this fact was doubtless the chief incentive to the step taken by the Mexican Congress. The President, as mentioned in Mr. Nelson's dispatch No. 657, of September 30, 1872, constituted the commission in the persons of Messrs. Emilio Velasco, Ignacio Galindo, and Antonio García Carrillo, with Mr. Agustin Siliceo as secretary. The first-named gentleman, who was the leading spirit of the investigation, is a native of Tamaulipas, and has represented the Matamoras district in several Congresses, including the present one. He is a lawyer of extensive attainments, familiar with American history and jurisprudence, and was retained by this legation as its legal adviser in the claim of Messrs. Barron, Forbes & Co. *vs.* The United States, two years since. As secretary of the State government of Tamaulipas, Mr. Velasco has been long familiar with the condition of the frontier, and by his speeches in Congress, and his editorial articles in the *Siglo XIX*, upon the free zone and the border difficulties, gave such proof of fairness and impartiality that several of his productions were forwarded to your Department with commendation by Mr. Nelson in 1870 and 1872, and are published in the diplomatic correspondence of those years. His appointment was considered by this legation as a guarantee of a conscientious investigation which would be certain, whatever might be his conclusions, to throw a vivid light upon the facts of the border troubles. Messrs. Galindo and García Carrillo are also lawyers of good repute,

resident, the former in Monterey, and the latter in Saltillo, and consequently familiar at the outset with the state of affairs they were instructed to investigate.

The commission was organized at Monterey on the 14th of November, 1872, and immediately proceeded to Matamoras, where it issued a set of rules on the 21st of the same month, inviting the citizens of both banks of the Rio Grande to present their evidence and their complaints upon the subject in question. It remained in session at Matamoras and other towns on the Rio Grande for several months, taking voluminous evidence, amounting to several thousand pages of manuscript, and on the 15th of May of last year, forwarded from Monterey a preliminary report, transmitted with this dispatch, which has just issued from the press as a quarto pamphlet of 106 pages, forming one of the accompanying documents to the report of the minister of foreign affairs for the past two years. This result of the labors of the commission has not disappointed the expectations expressed by this legation, as to the amount of close research which it displays, and the apparent conscientiousness and moderation with which its conclusions are stated. Whether those conclusions, which are in general strikingly opposed to those of the American commission of 1872, can be relied upon as a correct summary of the facts concerning the border troubles, is a question which it would require much time and other sources of information than those in the possession of this legation to determine. I deem it my duty, however, to mention some of those conclusions, and to call the attention of the Department of State thereto.

The invitation extended by the commission to the Texan claimants was not accepted by them, and not a single complaint was submitted by any American citizen. Being obliged, therefore, to derive its facts chiefly from Mexican sources, it was natural that the report should give prominence to the losses and outrages suffered by Mexicans at the hands of Texan malefactors, and while presenting but little in confirmation, should contain much in abatement of the large loss alleged to have been sustained by American citizens. In addition to the verbal testimony received by the commission, it devoted particular attention to the collection of documentary evidence, and it is chiefly upon the records of the courts of the frontier towns that it has relied in the formation of its report. Bearing in mind that the capital question involved is that of the trustworthiness of the witnesses, it took great pains to satisfy itself as to their character, and rejected as unworthy of credit many accusations made against citizens of Texas. There remained, however, several charges of complicity in robberies of cattle, made against persons of some prominence in Texas, by such a number of witnesses of different classes that the commission deemed them sufficiently proved. Among these persons figure authorities of the rank of judge, sheriff, and aldermen, and most of them appeared before the American border commission presenting claims against Mexico for hundreds of thousands of dollars in each case.

The Mexican commission had in its hands the report of the said border commission, and took some pains to refute its general conclusions, and especially to show the falsity or unlimited extravagance of the principal claims. By reference to the published statistics of the cattle owned, or upon which taxes have been paid, during a series of years, in the frontier counties of Texas, it shows that there has been, until the year 1871, a constant and normal increase in the numbers of the said cattle; that the number of cattle alleged to have been stolen from Texas in specific years is vastly in excess of the entire amount

ever owned in the counties in question; that the entire official valuation of real estate in those counties forms but a fraction of the alleged losses, and gives as specimens several instances of persons who have alleged losses of thousands of cattle, when, in the years in question, they either paid no taxes on cattle, or paid them upon but a few scores or hundreds.

The commission has given a historical sketch of the frontier troubles since the treaty of Guadalupe-Hidalgo, showing the fluctuations of crime, its methods, causes, and consequences, and has entered into numerous personal and topographical details concerning the most notable criminal organizations. It has devoted especial research to the antecedents of General Juan N. Cortina, (now, 1874, mayor of Matamoras,) upon whom a great part of the odium of these crimes has fallen for the last fifteen years. It asserts that at the time of the famous "Cortina raid" of 1859, that person was a private individual, an American citizen, and a resident in Texas, as were most of his companions; that his movement had a quasi-political character, being caused by the injustice with which persons of Mexican origin were habitually treated in Texas; and that during the recent period when Cortina exercised military command on the frontier, far from protecting crime, he attacked and destroyed several bands of cattle-thieves; that the numerous accusations brought against "soldiers of Cortina" for robberies committed during the years 1871 and 1872 are generally entirely false, and when true in some degree, the criminals did not at the time belong to the forces of Cortina, but were deserters therefrom.

The conclusion of the commission is, that although robberies of cattle are still frequently committed on both sides of the Rio Grande, the proportions of this crime are now much less than in former years.

The excitement upon this subject, promoted for two or three years past by the residents of the American frontier, is attributable, in great measure, to a desire to involve the two republics in war, for purposes of annexation. As practical remedies, the commission proposes the amendment of the penal laws of Texas and of the frontier States of Mexico, so as to facilitate the conviction and punishment of the criminals, and especially the revision of the extradition treaty of 1861, so as to make it applicable to all cases of cattle-stealing, and similar crimes on the frontier, as also to the deserters from the armies of both republics. It calls attention to the fact that many of the criminals live alternately, and exercise political rights on both sides of the frontier; it therefore proposes that persons who thus exercise the attributes of citizenship in either republic be subjected to the effects of the extradition treaty on demand of the authorities thereof.

I am, &c.,

JOHN W. FOSTER.

No. 465.

Mr. Fish to Mr. Foster.

No. 80.]

DEPARTMENT OF STATE,
Washington, February 16, 1874.

SIR: Your dispatch No. 99, of the 27th ultimo, relative to the raising of the consular flag in Mexico, has been received. This is a matter subject to municipal law, unless a privilege in respect to it should have been granted by treaty. We have no other privilege than that of equality with other nations, which will always be insisted on. It ap-

pears, however, that the authorities at the city of Mexico have overlooked a strict observance of the law, by allowing consuls to display their flags on holidays of their respective nations. This, it seems to me, is as much as may be needed. If, however, they should at any time think proper to withdraw this indulgence, it is clear that we cannot insist upon its continuance as a matter of right.

I am, &c.,

HAMILTON FISH.

No. 466.

Mr. Fish to Mr. Foster.

No. 81.]

DEPARTMENT OF STATE,
Washington, February 20, 1874.

SIR: An instruction has this day been addressed to the United States consul at Matamoras, directing him to apply to the local authorities for permission to Benjamin Murphy to receive into custody one Alexander D. Hamilton, a fugitive from justice, charged with the embezzlement of public moneys. It is desired that in adopting the ordinary means in accordance with the provisions of the treaty, you will act promptly, and with such discretion as will, in your judgment, most surely tend to secure the apprehension and return of the fugitive in question. The consul at Matamoras has been directed to inform you when the local magistrate shall have decided that the proof of criminality is sufficient.

I am, &c.,

HAMILTON FISH.

No. 467.

Mr. Foster to Mr. Fish.

No. 111.]

LEGATION OF THE UNITED STATES,
Mexico, February 24, 1874. (Received March 20.)

SIR: The 22d day of February was observed in this city by the unsolicited display of their respective flags by the Mexican government on all its public buildings, and by all the foreign legations, as a mark of respect to the memory of Washington.

The American citizens resident in this city commemorated the day by the annual meeting at this legation of the American Benevolent Society, an organization formed to relieve Americans who may be sick or in want. The society numbers sixty-two members at present.

I am, &c.,

JOHN W. FOSTER.

No. 468.

Mr. Foster to Mr. Fish.

No. 113.]

LEGATION OF THE UNITED STATES,
Mexico, February 28, 1874. (Received March 20.)

SIR: On the 15th instant the President of this republic, Mr. Sebastian Lerdo de Tejada, departed from this capital on a private and

unofficial visit to the valley of Cuernavaca and the celebrated cave of Cacahumilpa, in the State of Guerrero. Having extended a personal invitation to the members of all the foreign legations to join him, I, in company with the secretary of legation, Mr. Bliss, accompanied him. His party embraced the governors of eight of the central States of the republic and a number of deputies of Congress and other distinguished officials and citizens. The President received very flattering attentions from the local authorities and people throughout the entire journey, returning to this city on the 21st instant. It is a notable indication of the peace of the central States of the country, that the President and eight governors could absent themselves from their capitals without any apparent inconvenience to the public service.

On the 29th of last month a band of thirty or forty disguised armed men kidnaped an old and well-known citizen of this capital from his hacienda in the suburbs of this city, with the object of demanding a ransom. Energetic measures were at once set on foot by the governor of the federal district to discover the criminals and rescue their prisoner. The place of their concealment in the mountains was found on the 8th instant, but, hearing the approach of the troops, the kidnapers hastily killed their prisoner, burying him while yet alive in a hole prepared for the purpose. A large number of suspected persons were arrested; four men and one woman were found guilty by the courts; the men were executed on the 26th instant, and the woman sentenced to ten years' imprisonment. The crime of kidnaping, which in past years was quite frequent in Mexico, has nearly ceased, and it is hoped that these summary punishments will have a tendency to repress it in future.

General and Ex-President Santa Anna arrived in Vera Cruz from Havana yesterday. In 1867 a sentence of banishment for eight years was issued against him, but it is understood that the act of amnesty of 1870 releases him from that sentence.

I am, &c.,

JOHN W. FOSTER.

No. 469.

Mr. Foster to Mr. Fish.

No. 117.]

LEGATION OF THE UNITED STATES,
Mexico, March 4, 1874. (Received March 24.)

SIR: On the 27th ultimo I addressed Mr. Lafragua, minister of foreign affairs, a note in accordance with the instructions contained in your dispatch No. 68, informing him of the investigation which the Secretary of the Interior caused to be made of the Indian incursions from Arizona Territory into the State of Sonora, Mexico, and expressed the hope that he would be satisfied from this action and the instructions given by the Commissioner of Indian Affairs to the agent of the Chiricahua (Apache) Indians of Arizona, of which I inclosed a copy, that careful inquiry had been made into the complaints, and that vigorous and effective measures had been, and would be, adopted to restrain the Indian tribes of Arizona, and put an end to their depredations in the State of Sonora. I, at the same time, conveyed to Mr. Lafragua the assurance contained in your dispatch that there is every disposition on the part of the Government of the United States to prevent a recurrence of occasion for complaints of this character. (Inclosure 1.)

Mr. Lafragua has acknowledged the receipt of my note, under date of the 2d instant, conveying his thanks to me for calling your attention to the complaints of the Mexican press in regard to the depredations of the Indians from Arizona, and expressed the conviction that the action which the Government of the United States has been pleased to take will produce the most satisfactory results, as also his obligation for the disposition manifested that there may be no further occasion for similar complaints. (Inclosure 2.)

Since the date of my dispatch No. 36, on the 27th of August last, the consul of Guaymas, Sonora, Mr. Willard, has repeatedly advised me of the Apache depredations in Sonora; and the Mexican press has published additional lists of murders and robberies alleged to have been committed by these Indians from Arizona Territory.

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 117.]

Mr. Foster to Mr. Lafragua.

LEGATION OF THE UNITED STATES,
Mexico, February 27, 1874.

SIR: I have the honor to inform your excellency that on the 27th of August last, in a dispatch of that date, I directed the attention of my Government to the complaints which had appeared in the Mexican press, in reference to the depredations of the Apache Indians of Arizona Territory upon the citizens of the State of Sonora, Mexico; and inclosed for its information articles from the "Two Republics," of this city, and the "Estrella de Occidente," of Sonora, containing a list of the alleged depredations and other details. Immediately upon its receipt the Secretary of State sent a copy of my dispatch, and of its inclosures, to the Secretary of the Interior, under whose supervision and control the Indian tribes of the United States are placed, by whom an investigation was at once ordered. The result of that investigation has been forwarded to me by the Secretary of State, embracing a large number of reports, affidavits, and letters from the officials of the Bureau of Indian Affairs, of the Territory of Arizona, and from citizens. I transmit to your excellency a copy of the communication of the Secretary of the Department of the Interior, with which he forwarded the result of the investigation to the Department of State, as also a copy of the letter of instructions sent by the Commissioner of Indian Affairs to the agent of the Chiricahua (Apache) Indians of Arizona, from which, I trust, your excellency will be satisfied that careful inquiry has been made into the complaints, and that vigorous and effective measures have been, and will be, adopted to restrain the Indian tribes of Arizona, and put an end to depredations from that Territory in the State of Sonora.

I am instructed to assure your excellency that there is every disposition on the part of the Government of the United States to prevent a recurrence of occasion for complaints of this character.

With this occasion I renew to your excellency the assurance of my high consideration.

JOHN W. FOSTER.

[Inclosure 2 in No. 117.—Translation.]

Mr. Lafragua to Mr. Foster.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, March 2, 1874.

SIR: Your excellency's polite note of the 27th ultimo informs me that, on the 27th of August of last year, your excellency was pleased to call the attention of your Government to the complaints found in the Mexican press concerning the depredations committed in the State of Sonora, by Indians from Arizona Territory, sending for that purpose copies of the Two Republics of this city and of the Estrella de Occidente, of Ures Sonora.

I cordially thank your excellency for this step, not doubting that the measures which the Government of the United States has been pleased to take, which were to be expected from its sense of justice, and which are found in the two inclosures which your excellency transmitted, will produce the best and most satisfactory results; and I am much obliged for the kind desire expressed by you that there may be no further occasion for similar complaints.

I repeat to your excellency my sincere thanks, at the same time renewing the assurance of my distinguished consideration.

J. M. LAFRAGUA.

No. 470.

Mr. Foster to Mr. Fish.

No. 119.]

LEGATION OF THE UNITED STATES,
Mexico, March 7, 1874. (Received March 24.)

SIR: On the 2d instant I received a brief telegraphic dispatch from Rev. David Watkins, at Guadalajara, informing me of the assassination on that morning, at Ahualulco, in the State of Jalisco, of Rev. J. L. Stephens, an American citizen, connected with the American Board of Commissioners for Foreign Missions. I immediately replied, asking for details, and on the 4th instant I was informed by telegraph that at two o'clock on the morning of the 2d instant the house of Mr. Stephens was assaulted by more than two hundred men, crying "Viva el Cure"—"Death to the Protestants;" that Mr. Stephens was killed by them in a brutal manner, his body badly mutilated, and his head cut into several pieces, and his house plundered. The cause of this outrage, it will be seen by reference to the telegraphic dispatch, is attributed to religious fanaticism.

I at once called in person upon the minister of foreign affairs, and presented him a note, (inclosure 1,) with copies of the telegraphic dispatches referred to, expressing the confident expectation that whatever measures could properly be taken by the federal government of Mexico for the investigation and punishment of the crime would be at once adopted.

The minister, Mr. Lafragua, informed me that the government had been early advised of the event by the governor of the State of Jalisco, and that prompt and vigorous measures had been taken to arrest and punish the criminals; that the town was occupied by three hundred troops, and order restored; that the principal assassins and two priests had been arrested, and that a judge had been dispatched to the district with an extra corps of clerks to insure a speedy investigation and trial. The official dispatches which appeared in the *Diario Oficial* of yesterday are herewith inclosed.

I am, &c.,

JOHN W. FOSTER.

[Inclosure.]

Mr. Foster to Mr. Lafragua.

LEGATION OF THE UNITED STATES,
Mexico, March 4, 1874.

SIR: On Monday last, I received a telegram from Mr. David Watkins, of the American Protestant Mission in Guadalajara, announcing, without details, the assassination of his companion, Mr. Stephens, an American citizen, in Ahualulco. I immediately telegraphed for details, and have just received an extended reply, from which it ap-

pears that the crime was due to religious fanaticism, and was attended by revolting barbarities.

I herewith inclose copies of the three telegrams, and very earnestly call the attention of your excellency to this lamentable event, in the confident expectation that whatever measures can properly be taken by the federal government of Mexico for the investigation and punishment of this crime will be at once adopted.

I am, with great respect, your excellency's obedient servant,

JOHN W. FOSTER.

[Inclosure in inclosure in No. 119.]

TELEGRAMS ON THE MURDER OF MR. STEPHENS.

No 1.]

Mr. Watkins to Mr. Foster.

GUADALAJARA, March 2, 1874—2.20 p. m.

To the American Minister :

In Ahualulco they have assassinated the American citizen Stephens.

WATKINS.

No. 2.]

Mr. Foster to Mr. Watkins.

MEXICO, March 2, 1874.

D. J. Watkins, Guadalajara :

Send by telegraph brief particulars of the murder of Stephens.

JOHN W. FOSTER,
American Minister.

Mr. Watkins to Mr. Foster.

No. 3.]

GUADALAJARA, March 4, 1874—1.30 p. m.

Mr. J. W. FOSTER :

At 2 o'clock on the morning of the 2d of March the house of Stephens was attacked by a horde of more than two hundred bandits, crying "Long live the Curé! (priest,) Death to the Protestants!" After having forced the doors, they broke in, destroying or robbing everything they found. Stephens escaped to the yard, which was invaded by assassins, who inflicted upon him a horrible death. His body was mutilated, and his skull divided into several pieces. The prison-guard, instead of protecting the victims, aided the assailants. The soldiers are said to have taken a leading part in the sack-ing. The origin of this horrible affair, according to well-founded information, was the priest, whose textual words, pronounced on Sunday in the pulpit, were, "The tree which bears evil fruit should be cut down. You may interpret these words as you like." That no circumstance of audacious barbarity might be lacking in this crime, the church bells were twice rung in token of joy.

DAVID WATKINS.

No. 471.

Mr. Foster to Mr. Fish.

No. 121.]

LEGATION OF THE UNITED STATES,
Mexico, March 12, 1874. (Received March 26.)

SIR: Pursuant to the indication contained in your No. 71, of the 29th of January last, I addressed a note to the minister of foreign affairs on the 28th ultimo, (inclosure 1,) informing him that the promised statement of Mexican bonds sold in the United States would be awaited with interest by my Government; and on the 10th instant I received, in reply thereto; the brief memorandum (inclosure 2) which I inclose.

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 121.]

*Mr. Foster to Mr. Lafragua*LEGATION OF THE UNITED STATES,
Mexico, February 28, 1874.

SIR: In transmitting to the Department of State at Washington a copy of the memoir of the minister of finance of Mexico, I called attention to the fact that said memoir, in giving a statement of the public debt of the government of Mexico, made no mention of the bonds sold in, and mainly held by, citizens of the United States. I also stated in my dispatch that the Hon. Mr. Mejia, minister of finance, had kindly offered to have prepared and sent to me a detailed statement of said bonds. In a dispatch under date of January 29, the Secretary of State informs me that the statement indicated by the honorable minister of finance will be awaited with interest. Should your excellency's government see proper to send to me such statement, I will take pleasure in forwarding it to the Department of State at Washington.

I have, &c.,

JOHN W. FOSTER.

[Inclosure 2 in No. 121.—Translation.]

*Mr. Mejia to Mr. Lafragua.*DEPARTMENT OF FINANCE,
Mexico, March 6, 1874.

CITIZEN MINISTER OF FOREIGN AFFAIRS:

Under date of yesterday the citizen treasurer-general of the nation says to me the following:

"In compliance with the supreme order No. 616, of yesterday, to the effect that I send you, as quickly as possible, a statement of Mexican bonds issued in the New York market, I have the honor to report as follows: 1. That of the \$2,950,000 of bonds issued in San Carlos de Tamaulipas on the 4th of July, 1865, by the Citizen-General J. M. J. Carbajal, there remain unfunded \$1,438,050, in 6,368 bonds, as follows:

695 bonds, letter L, of \$50 each	\$34,750
3,583 bonds, letter C, of \$100 each	358,300
2,090 bonds, letter D, of \$500 each	1,045,000
6,368 bonds, of the value of	1,438,050

"2. That of the \$10,000,000 in bonds, issued by the Citizen-General Gaspar Sanchez Ochoa, in San Francisco, Cal., on the 1st of July, 1865, there remain unfunded \$500,000, and these, according to the data existing in this treasury, are detained in the custody of Eugene Kelly & Co., of New York, by order of supreme court of that State. The numeration of the bonds corresponding to said \$500,000 is not specified, because no information is obtainable as to the numeration of those which were lost at sea in May, 1868, on board the steamer Nevada, which represented a value of \$3,750,000, nor of the actual bonds detained in the hands of Kelly & Co., as above mentioned."

And I have the honor to transcribe the above to you, as the result of your communication of the 2d instant.

Independence and liberty.

MEJIA.

No. 472.

Mr. Fish to Mr. Foster.

No. 90.]

DEPARTMENT OF STATE,
Washington, March 25, 1874.

SIR: I transmit a copy of dispatch No. 161, of the 10th instant, addressed to this Department by Mr. Thomas F. Wilson, the consul of the United States at Matamoras. From this paper it appears that the arrest of one Alexander D. Hamilton, charged with a crime for which, pursuant to the treaty with Mexico, his extradition may be required, has been

prevented by the interference of General Cortina in his favor. You will lose no time in making a representation to the Mexican government on this subject, and will state that it is expected such orders will be given to General Cortina as will allow the treaty to be carried into effect according to its terms.

I am, &c.,

HAMILTON FISH.

[Inclosure.]

Mr. Wilson to Mr. Hunter.

[No. 161.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Matamoros, March 10, 1874. (Received March 24.)

SIR: I have the honor to acknowledge the receipt of dispatch No. 99, under date of the 20th ultimo, advising me that a warrant had been signed by the President authorizing Benj. Murphy to receive into custody one Alexander D. Hamilton, a fugitive from justice, and instructing me to make application to the local authorities to deliver Hamilton into his custody, and to render him every assistance in my power to secure the fugitive. About the middle of February, Hamilton reached Matamoros, and put up at one of the hotels of the city. Mr. Kingsbury, of Brownsville, Texas, late chief police justice of Cameron County, Texas, called on me on behalf of the sheriff of Cameron County, and asked me to apply to the local authorities of this city for Hamilton's arrest and detention until the police officers who were understood to be in pursuit of him could arrive. Gen. John N. Cortina, being president of the ayuntamiento—mayor—and in charge of the police, I at once applied to him for Hamilton's arrest. General Cortina directed the chief of police of this city to make the arrest. He went with the chief of police of Brownsville to the hotel where Hamilton was stopping, but as I have since learned a messenger had been sent in advance from General Cortina to warn Hamilton, and of course he was not found. It is alleged, and I believe it is true, that Hamilton went from the hotel directly to General Cortina, and that he has been under his protection up to the present time. Mr. Benjamin Murphy informs me that he had an interview with General Cortina on the subject, and that Cortina told him that he could have an interview with Hamilton for fifteen hundred dollars, but that he could not be arrested; that while he, Cortina, was aware that there was an extradition treaty between the United States and Mexico, that he knew a higher power than the treaty, and that Hamilton should not be extradited.

Under these circumstances, when Mr. Murphy presented the warrant signed by the President, I went with him before the judge of the first instance and applied for an order authorizing the federal troops to make the arrest, which was granted and placed in the hands of Colonel Cristo, military commander of the city. Colonel Cristo declined to act in the matter further than to place at the disposition of the judge whatever troops might be required, as it was the business of the court to execute its warrant. The judge then frankly admitted that he could not make the arrest in opposition to General Cortina; that it would perhaps cost him his life to attempt to use the troops to arrest Hamilton, as he would undoubtedly be assassinated by General Cortina's followers. This is the situation of the case, and I think that Cortina will be able to set at defiance all the other authorities here and continue to protect Hamilton. I shall, however, use my best endeavors to aid Mr. Murphy in securing the fugitive.

I am, &c.,

THOMAS F. WILSON.

No. 473.

Mr. Fish to Mr. Foster.

No. 91.]

DEPARTMENT OF STATE,
Washington, March 25, 1874.

SIR: Your dispatch No. 119, of the 7th instant, relative to the assassination of the Rev. J. L. Stephens, has been received.

This atrocious act appears to have created a marked sensation in this

country. A prompt and thorough trial of the case, and the punishment of those found guilty according to law, will be expected. The immediate friends of the victims at least may expect that the Mexican government will indemnify his widow and children, should he have left either, for their loss, especially if any persons in the service of that government should have taken part in the murder, or should have neglected to adopt measures towards preventing it. Upon this point, however, the Department will give further instructions when the result of the judicial proceedings shall be known.

I am, &c.,

HAMILTON FISH.

No. 474.

Mr. Foster to Mr. Fish.

No. 123.]

LEGATION OF THE UNITED STATES,
Mexico, March 25, 1874. (Received April 14.)

SIR: By newspapers from Sonora and letters from our consul at Guaymas, I am informed that the border investigating commission for the States of Sonora and Chihuahua, created by act of Congress in 1872, was first formally organized on the 23d of February last, at Guaymas. It consists of the district judge of Sonora, Mr. Domingo Elias, as chairman, and Messrs. Gabriel Aguirre and Carlos I. Velasco, with Mr. Perfecto Vadillo as secretary.

In the session of the 3d instant the commission adopted a series of regulations for the presentation of complaints against authorities or citizens of the United States for Indian raids or other damages since the 2d of February, 1848, (date of the treaty of Guadalupe-Hidalgo,) invited citizens of the United States to present complaints of a similar character against Mexico, and fixed its itinerary to the principal settlements on the frontier of Sonora, whence it will proceed to Chihuahua, to renew its labors in that State.

Much alarm is felt in Sonora on account of the rising of the Apaches on the San Carlos reservation, in Arizona, on the 31st of January last, it having been believed that the said Indians, to the number of several hundreds, would invade Sonora, renewing former scenes of pillage and murder. But the latest information from Guaymas is calculated to allay these apprehensions, the insurgent Indians having taken another direction, whither they were pursued by General Crook.

Other depredations in Sonora continue to be attributed to the band of Cochise, living on the Chiricahua reservation.

I am, &c.,

JOHN W. FOSTER.

No. 475.

Mr. Foster to Mr. Fish.

No. 124.]

LEGATION OF THE UNITED STATES,
Mexico, March 28, 1874. (Received April 14.)

SIR: On the 22d instant I received from the minister resident at this capital, of the German Empire, Count Enzenberg, a communication, (inclosure 1,) with which he transmitted a note which he had received

from the Mexican minister of foreign affairs, Mr. Lafragua, in reply to a note conveying the information that on the 22d instant, the birthday of the Emperor of Germany, the flag of that empire would be displayed from the house of the German legation; in which reply Mr. Lafragua stated, that as the foreign ministers had not raised their flags on the 21st instant, which was the anniversary of the birth of the illustrious citizen, Benito Juarez, the government of Mexico would limit itself to observing due reciprocity.

In view of the allusion to the conduct of all the foreign ministers, in the note of Mr. Lafragua, and at the unanimous request of the diplomatic representatives resident at this capital, I, as dean thereof, called a meeting of the diplomatic corps at this legation, on the 23d instant, at which a joint note to Mr. Lafragua was drawn up and signed by all the representatives at present in this capital, except the German minister, Count Enzenberg, who desired to reply separately to Mr. Lafragua. This note, of which a copy is inclosed herewith, (2,) expresses our surprise that the Mexican government should have thought proper to address to a single member of the diplomatic corps observations upon the conduct of the entire corps, and states that the omission to raise the flags of our respective nations on the anniversary of the birth of the late President Juarez ought not to have been interpreted into an intentional discourtesy to either the Mexican government or the memory of that illustrious statesman, in view of our conduct on former similar occasions, and also of the fact that, although the first legal observance of said anniversary took place this year, it was not brought to our attention either by your excellency or by the official or other journals of this capital; and, in conclusion, we express our regret that said omission, which was neither intentional nor concerted by us, and due solely to the circumstances above stated, should have been made the occasion for the Mexican government to deliberately refuse to observe its customary public mark of respect and courtesy to a sovereign and a government which sustains friendly relations both with the republic of Mexico and with the governments we have the honor to represent.

The note of Mr. Lafragua was construed by all the representatives as an indication of the intention of the Mexican government to abstain from its customary recognition of our national anniversaries, on account of our single omission on the 21st instant, notwithstanding it was our well-known practice to raise our flags on the frequent Mexican national days, and the further fact that all of us had recently displayed our flags on the birthday of President Lerdo; for which reason, in addition to those stated in our joint note, we felt constrained to take the action above indicated.

It has been my practice, following the precedent of my predecessors, to raise my flag over the legation on the days indicated and observed as national by the Mexican government, which I find, in examining the calendar, are twelve in number. I have never addressed to either the Mexican government or the legations of foreign governments any note, directly or indirectly, inviting them to display their flags on the days observed by the United States as national holidays, but their usual practice is to honor the 22d of February and the 4th of July, and I have always made acknowledgment of their courtesy by a personal visit in an unofficial manner.

On the 27th instant, Mr. Lafragua sent to me (as also to the representatives of Spain and Italy) a reply to our joint note of the 23d instant, (inclosure 3,) in which he states that it has not been the practice of the department of foreign affairs to inform the foreign legations

of the days when the Mexican government raises its flag, as their observance by the legations is entirely voluntary; calls our attention to the fact of the passage of the law of the 18th of April, 1873, decreeing the observance of the birthday of Juarez, and expresses regret that our omission should have occurred on the anniversary of the birthday of this illustrious man.

The diplomatic representatives who joined in the first note (2) to Mr. Lafragua to-day sent to him an acknowledgment of the receipt of his note of the 27th instant, stating that while we regretted that it was not more satisfactory in its character, and that as the object of our joint note was not to provoke a controversy, we would content ourselves with reiterating that our past conduct did not justify the allusion, in his note to Count Enzenberg, to our omission on the 21st instant, or the course of his government on the 22d instant, (inclosure 4.)

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 124.]

Count Enzenberg to Mr. Foster.

LEGATION OF THE GERMAN EMPIRE,
Mexico, March 22, 1874.

MY DEAR COLLEAGUE: I have the honor to inclose herewith a copy made by myself of the communication addressed to me yesterday by the minister of foreign affairs, Mr. Lafragua, and forwarded at a very late hour of the evening.

Committing to your prudent direction, as our dean, the question how to answer such unusual language within the limits of official dignity and indispensable conciliation, I for the present only beg leave to ask for a speedy acknowledgment of receipt, and placing myself at your disposal for any hour to-morrow, I am, dear colleague, with the highest consideration, your very faithful and obedient servant,

COUNT ENZENBERG,
Minister-Resident of His Majesty the Emperor of Germany.

[Inclosure in 1 in No. 124.—Translation.]

Mr. Lafragua to Count Enzenberg.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, March 21, 1874.

MR. MINISTER: I have had the honor to receive your note of to-day, in which you state that to-morrow, Sunday, the 22d instant, being the birthday of your sovereign, the Emperor William the First, the German flag will be hoisted above your legation. Having laid the said note before the President, he has directed me to say to your honor in reply, that the government of Mexico will be pleased to see duly honored the birthday of His Majesty the Emperor, for whom he desires all happiness and prosperity.

I remain aware that the German flag will to-morrow be raised above your legation, but since the foreign ministers have not raised their flags to-day, it being the anniversary of the illustrious citizen Benito Juarez, the government of Mexico will limit itself to observe due reciprocity.

I renew to your honor the assurances of my distinguished consideration.

J. M. LAFRAGUA.

[Inclosure 2 in No. 124.—Translation.]

Joint note of the diplomatic corps to Mr. Lafragua.

CITY OF MEXICO, March 23, 1874.

SIR: The minister-resident at this capital of His Majesty the Emperor of Germany and King of Prussia, His Excellency Count Enzenberg, has sent to each of the undersigned a copy of your excellency's note to him of the 21st instant, in which you were

pleased to inform him that "since the foreign ministers have not raised their flags to-day, it being the anniversary of the birth of the illustrious citizen Benito Juarez, the government of Mexico will limit itself to observe due reciprocity."

We are under the necessity of expressing to your excellency our surprise that the Mexican government should have thought proper to address to a single member only of the diplomatic corps resident in this capital, observations upon the conduct of the entire corps, and we deem it indispensably due to ourselves to state to your excellency that the omission to raise our flags on the anniversary of the birth of the late President Benito Juarez ought not to have been interpreted by your excellency into an intentional discourtesy to either the Mexican government or the memory of that illustrious statesman, in view of our conduct on former similar occasions, and also of the fact that, although the first legal observance of said anniversary took place this year, it was not brought to our attention, either by your excellency or by the official or other journals of this capital.

We are constrained also to express our regret that said omission, which was neither intentional nor concerted by us and was due solely to the circumstances above stated, to raise our flags on the 21st instant, should have been made the occasion for the Mexican government to deliberately refuse to observe its customary public mark of respect and courtesy to a sovereign and a government which sustain friendly relations both with the republic of Mexico and with the governments which we have the honor to represent.

We renew to your excellency the assurances of our high consideration.

JOHN W. FOSTER,

Envoy Extraordinary and Minister Plenipotentiary of the United States of America.

G. BIAGI,

Consul-General, Chargé d'Affaires of His Majesty the King of Italy.

J. PEREZ RUANO,

Chargé d'Affaires of Spain ad interim.

His Excellency JOSÉ MARIA LAFRAGUA,

Minister of Foreign Affairs, Mexico.

[Inclosure 3 in No. 124.—Translation.]

Mr. Lafragua to Mr. Foster.

DEPARTMENT OF FOREIGN AFFAIRS,

Mexico, March 27, 1874.

SIR: On the 24th instant, at 2 p. m., I had the honor to receive the note signed by your excellency and by the representatives of Italy and Spain, in which they are pleased to manifest that his honor Count Enzenberg, minister resident of the German Empire, has communicated to them a copy of the note which I addressed him on the 21st instant, on account of which your excellency and the chargés d'affaires of Italy and of Spain express surprise that the Mexican government should have thought proper to address to a single member only of the diplomatic corps resident in this capital observations upon the conduct of the entire corps.

From this point of view your excellency sets forth certain considerations tending to explain the omission to raise the flags of the respective legations, and concludes by manifesting regret that the national flag was not raised on the birthday of His Majesty the Emperor of Germany.

I have laid this note before the President, and by his direction reply separately to each one of the representatives who thought proper to sign it.

In my note of the 21st instant I did not make observations upon the conduct of the entire diplomatic corps, in which case I would have addressed them to your excellency as the dean thereof. I merely cited an indoubted fact, without interpreting it, or passing judgment upon any one's intention, but which it was necessary to mention in the reply which I made in my said note to his honor Count Enzenberg, as a basis for the rule of reciprocity which the government of Mexico duly observes.

The government does not inform the legations of the days upon which it raises its flag nor the cause of so doing. Since the act of raising their flags being entirely voluntary on the part of the foreign ministers, it is prudent to avoid giving any hint on the subject, so that the legation which may have reasons for not participating in some celebration may not consider itself bound to do so. That of the 21st instant was decreed by law of the 18th of April of last year, enacted in the presence of the existing legations; and, both from its recent date and on account of its objects, it is well known and has been punctually obeyed on the 18th of July of last year, the anniversary of the death of President Juarez, as is also the case respecting another

law of the same date upon the 8th of May and 30th of July of last year, anniversaries of the birth and death of the illustrious Hidalgo.

The government of Mexico has not charged that the omission to raise the flags of foreign legations was intentional or concerted; but it cannot but express its regret at this omission on the day of celebrating the birth of one of the most illustrious citizens of the republic; which circumstance obliged it to decline to raise the national flag on the following day, without this fact detracting at all from the sincere affection and high esteem which it professes to His Majesty the Emperor of Germany, with whom it desires to preserve and increase the most cordial relations.

I renew to your excellency the assurances of my high consideration.

J. M. LAFRAGUA.

[Inclosure 4 in No. 124. — Translation.]

Joint note of diplomatic corps to Mr. Lafragua.

MEXICO, May 27, 1874.

Mr. MINISTER: Under this date we have had the honor to receive, separately, the reply which your excellency has been pleased to make to our joint note of the 23d instant upon the incident relating to the anniversaries of the preceding days. Regretting that your excellency has not thought proper to make a more satisfactory answer to the remarks found in our joint note, since it was not intended to give occasion to any controversy, we will content ourselves with acknowledging the receipt of the separate notes addressed to each of the undersigned, maintaining all that we have already expressed to your excellency, and insisting especially that, in view of the repeated occasions on which we have taken part in the numerous national anniversaries and other holidays celebrated by the Mexican government, and of our recent observance of the festival of the birthday of His Excellency the President of the Republic, there has been no sufficient cause, in the single and accidental omission of the 21st instant, for the government of Mexico to decline to observe reciprocity.

We renew to your excellency the assurances of our highest consideration.

JOHN W. FOSTER,

Envoy Extraordinary and Minister Plenipotentiary of the United States of America.

G. BÉOGI,

Consul-General and Chargé d'Affaires of His Majesty the King of Italy.

J. PEREZ RUANO.

Chargé d'Affaires of Spain ad interim.

No. 476.

Mr. Foster to Mr. Fish.

No. 129.]

LEGATION OF THE UNITED STATES,
Mexico, April 3, 1874. (Received April 27.)

SIR: Herewith I transmit a copy and translation of the address (inclosures 1 and 2) pronounced by President Lerdo at the opening of the second session of the Seventh Congress, which took place on the 1st instant. It presents a gratifying picture of the benefits derived from the peace now enjoyed throughout the republic.

I am, &c.,

JOHN W. FOSTER.

[Inclosure.—Translation.]

Address of President Lerdo at the opening of the Mexican Congress, April 1, 1874.

CITIZEN DEPUTIES: In obedience to the fundamental law, you return to the discharge of your high functions in the midst of the peace enjoyed throughout the republic. The Mexican people sees with satisfaction that the ordinary course of your legislative tasks is pursued with entire regularity in the constitutional periods.

Our relations with the friendly powers fortunately continue to be sincerely cordial. Representatives of Mexico have been appointed for Germany and Spain, whose presence will contribute to augment the friendship which unites us to those nations.

The investigating commission for the States of Coahuila, Nuevo Leon, and Tamaulipas has terminated its important labors. The interesting report in which it has rendered account of its intelligent and useful researches will very soon be published.

The other investigating commission, for the frontier of Chihuahua and Sonora, is already engaged in the performance of its duties.

In consequence of the law passed by Congress to quiet the disturbances which occurred in the State of Coahuila, complete tranquillity has been restored therein, thus permitting its legal reorganization, which will be effected within a few days.

Through the efficacy of the special law of Congress, aided by the peace which we enjoy, crimes against the security of persons and property have diminished to the degree that but few have been committed, and these have been promptly punished. They, however, prove the necessity of further prolonging the existence of the said law, which the executive will submit to the enlightened consideration of Congress.

The inquiry which the executive made in the previous session, as to whether the faculty of modifying the organization of the tribunals of the federal district is included among the powers conferred by law for the purpose of promulgating the code of criminal procedure, is also worthy of attention. Upon the decision of this inquiry depends the promulgation of this code, which is as necessary as the other reforms, which experience has shown to be very necessary for the better administration of justice.

The judicial reorganization of the Territory of Lower California, proposed by the executive, having been enacted by Congress, the new tribunals have been established, so as to realize this improvement in an important branch of the public administration.

The attention which Congress has already devoted to the amendment of the law upon secondary instruction in the federal district will serve to facilitate the conclusion of this interesting subject. The initiative concerning obligatory primary instruction, so as to extend to all classes of society the benefits of education, affords equal interest.

Zealous efforts are being made to form the statistics of public instruction throughout the country. This is the more useful, since it is, without doubt, an efficacious means of ascertaining the advance of enlightenment, as well as a stimulus to all the authorities to labor for popular education.

In the formation of the annual estimates, the chief object of the session commencing to-day, Congress will be able, by its wisdom and patriotism, to make the most adequate provision for the various necessities of the public treasury.

The payment of the ordinary expenses of the administration has continued with entire regularity. At the same time, care has been taken to regulate and improve the collection of the imports for the better service of the public interests.

It is our duty to provide the means of attending to the public debt, legally recognized and liquidated. For this purpose it may, perhaps, become necessary to increase the present imposts, which suggestion Congress will take into its enlightened consideration, so as to prudently combine all the interests involved in a manner compatible with justice.

During the years which have elapsed since the passage of the law for establishing military colonies, these could not be founded for various reasons, only a limited force having been supported, which was employed in repressing Indian incursions. The executive believes that the system of colonies might now be commenced, by forming them gradually in the frontier States, which are so worthy of being favored in this important particular, which Congress will be able to consider in connection with the estimates.

It having been found necessary to build the coast-guard vessels decreed by Congress, they are now being constructed, and within a few months will begin to render important service.

The importance of amending the law of patents being notorious, the executive will present a bill in harmony with the provisions of the constitution.

A new law upon colonization, which the executive has proposed, might be found of very great advantage, and a new one will be presented to facilitate the division and sale of the public lands in Lower California.

The commissions created by Congress for the survey of certain rivers in the State of Vera Cruz, and of a road from Jalisco to Zacatecas, are engaged in the performance of their duties.

With the object of constantly extending our telegraphic lines, the material on hand is being employed, and another considerable quantity has been ordered. Special attention has been and will be given to the construction of the extended lines from Michoacan to Jalisco, San Luis to Durango, Durango to Chihuahua, Mazatlan to Guaymas, Tampico to Matamoros, and Tobasco to Chiapas. We may anticipate that within a very short time the city of Mexico will be in telegraphic communication with all the State capitals, extending the wires also to Lower California by the route which may be designated by an exploration already begun.

Yesterday was inaugurated the section of railroad from Mexico to Hualapamla, soon to be extended to Cuantitlan and Tobuca. The executive takes pleasure in the success of this road, which will be so beneficial to the country in general, and especially to the States of Mexico, Queretaro, and Michoacan.

We may enjoy a well-founded confidence that the rapid development of the fruitful elements of our country's riches guarantees us a prosperous future, under the auspices of a peace solidly based upon the general good sense of the people, and the discipline, bravery, and loyalty of the national army.

Be assured, citizen deputies, that the executive will zealously second all the measures which your wisdom and patriotism may enact for the welfare and aggrandizement of the republic.

No. 477.

Mr. Foster to Mr. Fish.

No. 133.]

LEGATION OF THE UNITED STATES,
Mexico, April 15, 1874. (Received April 27.)

SIR: In my dispatch No. 119, March 7, I communicated the details of the assassination of Rev. John L. Stephens, a Protestant missionary, at Ahualulco, in the State of Jalisco, and the prompt action of the Mexican government towards the punishment of the assassins.

Up to the present date seven of the guilty parties have been tried and condemned to death, from which sentence they have appealed to the supreme court. Twelve or fifteen more persons, charged with complicity in the crime, are under arrest, awaiting trial, including the *cura* of the parish of Ahualulco.

President Lerdo, in a recent interview given to the Protestant missionaries resident in this city, declared it to be his determination to use every means in his power to secure the punishment of the assassins of Mr. Stephens, to protect the Protestant missionaries in the free exercise of their labors, and to maintain religious toleration throughout the republic.

I am, &c.,

JOHN W. FOSTER.

No. 478.

Mr. Foster to Mr. Fish.

No. 135.]

LEGATION OF THE UNITED STATES,
Mexico, April 18, 1874. (Received May 5.)

SIR: I am this day in receipt of your dispatch No. 90, March 25, relating to the interference of General Cortina, at Matamoras, in preventing the extradition of one Alexander D. Hamilton. Immediately on receipt thereof, I sent to the minister of foreign affairs a copy of the dispatch of Mr. Wilson, inclosed in your No. 90, with a representation that the Government of the United States would expect such orders to be given as will allow the treaty to be carried into effect according to its terms. (Inclosure 1.)

Within an hour after the transmission of this note, I was personally informed by the minister that the President had already seen some notice of the action of General Cortina in the public press, and had at once sent telegrams to the governor of the State, to General Cortina, and to the military commander, calling for information on the subject,

and that immediately upon the receipt of my note the President had instructed the minister of war to send orders to the military commander at Matamoras, Colonel Cristo, to arrest Hamilton and hold him at all hazards, subject to the provisions of the extradition treaty. And in confirmation of this information, I have to-night received an official note from the minister of foreign affairs, of which I inclose a translation. (Inclosure 2.)

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 135.]

Mr. Foster to Mr. Lafragua.

LEGATION OF THE UNITED STATES,
Mexico, April 18, 1874.

SIR: I herewith inclose to your excellency a copy of a dispatch from Mr. Wilson, the United States consul at Matamoras, in the State of Tamaulipas, to the Department of State at Washington, from which it appears that the arrest of one Alexander D. Hamilton, charged with a crime for which, pursuant to the treaty of 1861, his extradition may be required, has been prevented by the interference in his favor of General John N. Cortina, acting as mayor of Matamoras.

I am instructed by my Government to bring the facts stated in the inclosed copy of Mr. Wilson's dispatch to the attention of your excellency, and to state that it is expected such orders will be given as will allow the treaty to be carried into effect according to its terms. I do not doubt that the Mexican government will promptly adopt such measures in this case as are required by the treaty and the demands of justice.

I remain, with great respect, your excellency's obedient servant,

JOHN W. FOSTER.

[Inclosure 2 in No. 135.]

Mr. Lafragua to Mr. Foster.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, April 18, 1874.

SIR: I have laid before the President your excellency's note of to-day, in which you are pleased to inform me, referring to a dispatch from Mr. Wilson, consul of the United States at Matamoras, that the arrest of a person named Alexander Hamilton, accused of a crime for which, according to the treaty of 1861, his extradition is demanded, has been prevented by the intervention of General Juan N. Cortina, to which fact your excellency calls my attention, in the hope that orders will be given in conformity with said treaty, so as to render it effective, since your excellency does not doubt that the Mexican government will employ such measures as are required by that treaty and by justice.

In reply, I have the honor to inform your excellency that, through the extra-official information the government had received of the facts, it had already called by telegraph for a report from the military commander at Matamoras; and now, by virtue of your excellency's note, the proper instructions are given to the war department to send immediate orders to the said military commander to proceed at once, without omitting to render the report already called for, to arrest Hamilton and hold him in safe custody at all hazards, until, after communication with the American authorities in Texas, the extradition may be effected in view of all the requisites of the treaty and of justice.

I remain, with the greatest respect, your excellency's obedient servant,

J. M. LAFRAGUA.

No. 479.

Mr. Foster to Mr. Fish.

No. 136.]

LEGATION OF THE UNITED STATES,
Mexico, April 21, 1874. (Received May 15.)

SIR: On yesterday I addressed the minister of foreign affairs a note, at the request of Lieutenant-Commander F. M. Green, of the steamer *Fortune*, of the United States Navy, asking that the Mexican government would issue such orders as might be necessary to facilitate the survey of the Mexican coast of the Gulf of Mexico, for which service said steamer had been detailed by the Navy Department. I also, by appointment, introduced to the President of the republic, Lieutenant Samuel Belden, U. S. N., of said steamer, who visited the legation under orders of Lieutenant-Commander Green. President Lerdo very heartily approved of the survey ordered by the Navy Department, and assured Lieutenant Belden that all necessary instructions would be given to both the civil and military authorities along the coast to promote the objects of the service in which the *Fortune* was engaged. And under date of yesterday the minister of war and marine inclosed to this legation an open letter to Lieutenant-Commander Green, authorizing him to land at such points on the coast as he should think necessary and establish signals; and directing the military authorities at the various ports to facilitate the survey.

The President, in the same interview, expressed his pleasure at being able to bear testimony to the uniform courtesy and good conduct and scrupulous observance of Mexican laws and regulations on the part of the officers of the United States Navy in their visits to the ports of the republic.

I am, &c.,

JOHN W. FOSTER.

No. 480.

Mr. Foster to Mr. Fish.

No. 140.]

LEGATION OF THE UNITED STATES,
Mexico, May 1, 1874. (Received May 15.)

SIR: With my dispatch No. 108, February 13, I transmitted the preliminary report of the Mexican border investigation commission, and embodied in my dispatch a brief abstract of its conclusions and recommendations. The final report of said commission was submitted to the minister of foreign affairs on the 13th of March last, and has just appeared in printed form, a copy of which I transmit to your Department by this mail.

I inclose herewith a translation of the summary of conclusions reached by the commission, and addressed by them to the minister of foreign affairs, constituting the preface of said report, which will be found of special interest, taken in connection with the report of the United States commissioners to Texas, and the questions pending before the United States and Mexican mixed commission now in session at Washington. The report of the commission is receiving the favorable comments of the press of this capital, by which it is asserted that the report will result in multiplying a large amount of the claims of American citizens before the mixed commission, strengthen the proofs of Mexican citizens for

claims to the amount of over forty millions of dollars, and form the basis of claims to an enormous sum against the Government of the United States. I am informed by the minister of foreign affairs that instructions have been given to the Mexican minister at Washington to have both the preliminary and final reports of the commission translated and printed in the English language in that city.

I am, &c.,

JOHN W. FOSTER.

[Inclosure.—Translation.]

Mr. Galindo to the minister of foreign affairs.

MEXICO, March 13, 1874.

CITIZEN MINISTER: In the report which I have the honor to subjoin, in compliance with the decree of the 2d of October, 1872, which ordered scrupulous investigations to be made concerning the evils suffered by the Mexican northern frontier, you will find specified all the calamities in question, their origin traced, and all their forms delineated.

It was not possible to give to this work smaller proportions, for the simple narrative of facts and citation of necessary documents required a bulky volume. The opinion of the commission being therein expressed concerning the proper remedies for each of the obstacles which impede the progress of that part of the country, it has been thought proper to extract them, and present them separately in a note, so as to facilitate their being submitted to the judgment of the citizen President.

In the first place, it should be stated that the establishment of an army corps on the frontier is indispensable to maintain order thereon, and furnish a respectable basis for the relations between this republic and that of the United States. The officer appointed to the command of this army corps should be of high rank and adorned with brilliant qualities.

Second. It is notoriously and urgently important that the upper region of the Rio Grande be covered by detachments of from 250 to 300 men, which should be located at San Vicente, El Burro, and Las Vacas, by which measure the incursions of the Indians would be repressed, and the outrages caused by Texan settlers upon Mexicans in that section would be prevented.

Third. To promote the settlement of the immense deserts lying between Chihuahua, Coahuila, and Durango, bearing in mind that this should only be done with native Mexicans, and cannot be effected without first protecting the frontier and afterward surveying the lands at the expense of the general government so as to grant them to applicants or to settlers carried thither from the central States, as was done by the Spanish government.

Fourth. To estimate the foundation of towns upon the principle above indicated, and by the employment of the resources granted under the name of subsidies to the frontier States, over the disbursement of which it is necessary to watch, so that it be not distracted from its object.

Fifth. The formation of a territory embracing all the new settlements, so that, being under the direct control of the general government, its action may be more effective upon the settlers, who, we repeat, should be entirely Mexicans.

Sixth. To regulate the communications between the innumerable ranchos along the Rio Grande, so that they may not prejudice or compromise our international relations, nor, still less, the interests of the treasury by means of smuggling.

Seventh. To propose the laws which may be considered expedient for the repressing of cattle-stealing, including therein the necessary provisions to prevent the escape of servants who carry out of the country a considerable capital, and by their crimes on both sides of the Rio Grande endanger our international relations.

Eighth. To endeavor to ameliorate the condition of the Mexican citizens who reside in Texas and are property-holders in that State of the American Union. This is required by the prejudices entertained against them, as is proved by the grievous outrages they daily suffer. The establishment of a consulate at Corpus Christi, in addition to the employment of diplomatic action, would do much to effect a change.

Ninth. A reform of the privilege of the Free Zone, so that no class of merchandise can be consumed by the inhabitants of that region without the payment of some duty, however moderate, extending this reform to some articles of the existing tariff upon the bases suggested to the ministry of finance, in a separate memorial.

Tenth. Without neglecting the rules laid down in the circular of the 10th of September, 1850, to follow all those which experience has proved to be the best for solving the

Indian question, thus establishing a simple, clear, and just line of policy respecting those tribes when they present themselves in our territory.

Eleventh. To create a board to take charge of all questions concerning Indians, of whose depredations it will procure exact information, as well as of everything relating to them, in order to avoid responsibilities and assure their rights to such Mexican citizens as may suffer losses by them; it being the duty of the said board in each case to show where the marauding Indians come from, their places of residence, the amount of the damage, the participation citizens or authorities of the United States may have taken therein, acts of the latter to punish and of Mexican authorities to restrain such Indians, with special instructions to the board to establish relations in Texas or in the region where the Indians reside, to investigate fully the conduct observed by the American authorities with the aboriginal tribes, both those on the Government reservations and those leading a nomadic life, using special efforts to ascertain the final disposal of their booty.

Twelfth. To promote such amendments to the laws upon the administration of justice respecting the organization of the federal tribunals as shall assure that on the frontier they be always in the hands of enlightened persons, and that their substitutes possess similar qualities. Their jurisdiction should include those crimes which endanger international relations, and the judges should receive good salaries.

Thirteenth. The penal features of the fiscal laws concerning smugglers also need amendment, so as to render fraud against the treasury disreputable, and to apply corporal penalties, such as imprisonment and closing of their places of business, to delinquent merchants when they are Mexicans, and their expulsion from the national territory when they are foreigners.

After the enumeration of the many calamities which weigh upon the Mexican frontier, all of them set forth in bold relief in the records formed by the commission, it would not think it had performed its entire duty if it did not at the same time express its opinion as to the measures which may be adopted for preventing them. It has not the presumption to suppose that it has succeeded in pointing out the best, and perhaps none of them is adequate to correct inveterate abuses, which are therefore hard to remedy; but it can assert that the measures proposed have been carefully studied, and it therefore believes that even if they be not adequate to extirpate the evils which have long afflicted our frontier, they will undoubtedly lead to the discovery of better ones by persons who know the general situation of the country, its men, its things, and their relative conditions, so as to put everything on the path of improvement and progress.

In presenting to you this compend of the results of the labors intrusted to us, we ought not to conceal the fact that the inhabitants of Northern Mexico, weighed down by sufferings for more than half a century, desire even more than the redress of their damages and losses, a decided protection, so as to suffer them no longer; and more than all, wish to live under auspices which will shelter them from outrages, hitherto of almost daily recurrence, from authorities or citizens of the United States, which they have been forced to tolerate from weakness and lack of protection.

After these general suggestions, the commission is bound to call attention to its own labors, since they were directed to the discovery of these evils, and of their proper remedies, without neglecting the kindred task of procuring the necessary data for proving the rights of Mexico in the just claims which her citizens have pending at Washington, and at the same time have collected all such other data as might aid in shielding her from the responsibilities which speculators and shameless traffickers are seeking to cast upon her. For this reason the commission believes that all the proofs relating to Indian depredations should be sent at once to our commissioner at Washington, who will find in them unimpeachable evidence concerning the responsibility of the American Government and the reality of the losses suffered by Mexicans. To avoid the inconveniences which might result from the loss of these papers, we have formed indexes, which may serve to replace documents which may be lost.

If the objects above expressed have been attained, the satisfaction of the commission will be unlimited; and if all its efforts have not been available for that object, they have nevertheless been exclusively employed to that end.

Independence and liberty!

IGNACIO GALINDO.

No. 481.

Mr. Foster to Mr. Fish.

No. 143.]

LEGATION OF THE UNITED STATES,
Mexico, May 9, 1874. (Received May 26.)

SIR: In my dispatch No. 135, April 10, I informed you of the action

of the Mexican government, up to that date, in relation to Alexander D. Hamilton, a fugitive from justice in the United States.

On the 27th ultimo I was informed by the minister of foreign affairs that he had addressed a circular to the governors of a number of the States of the republic, stating that it was possible that the said Hamilton may have proceeded to some one of the States, and that the President had recommended them to take the necessary measures for his arrest. He at the same time requested me to furnish his department with a description of Hamilton's person, in order to facilitate his capture. (Inclosure 1.) The legation not having been furnished with said description, I sent a telegram to the consul at Matamoras to forward it to me without delay.

I having personally communicated to the foreign office the fact that it was reported that Hamilton might be found at San Fernando de Presas, on the 2d instant I received a note from that department informing me that the minister of war had dispatched a party of dragoons to that point with proper instructions to effect his arrest. (Inclosure 2.)

Up to this date I have no further advices.

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 143.—Translation.]

Mr. Lafragua to Mr. Foster.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, April 27, 1874.

SIR: I have the honor to inclose a copy of a communication addressed me by the war department on the subject of the fugitive, Alexander Hamilton, informing your excellency that this department, under my charge, has at once addressed a circular to the governors of the States of Nuevo Leon, Coahuila, Zacatecas, San Luis Potosi, Guanajuato, Jalisco, and Querétaro, stating to them that it is possible that the said Alexander Hamilton may have proceeded to some one of these States under the name of Thomas M. Morgan, or other, and that this government having an interest in preventing the action of justice from being overreached, the President of the republic recommends them to take the necessary measures for the arrest of Hamilton, informing this department thereof immediately by telegraph, and holding said individual at the disposal of this department.

If your legation can furnish the filiation of Hamilton, I shall be much obliged to your excellency for so doing, as it would facilitate his capture with the less difficulty.

On this occasion I renew to your excellency the assurance of my perfect and attentive consideration.

J. M. LAFRAGUA.

[Inclosure in 1 in No. 143.—Translation.]

Mr. Mejia to Mr. Lafragua.

DEPARTMENT OF WAR, MEXICO, April 25, 1874.

Citizen Minister of Foreign Affairs:

In a telegram of yesterday, from Matamoras, the citizen colonel, José L. Cristo, makes to me the following statement:

"Referring to your two telegrams of the 19th and 20th received to-day, Alexander Hamilton is absent; it has been publicly said that he took passage for Mexico, via Monterey, in the diligence of the 12th of February, under the name of Thomas M. Morgan. The American consulate does not know where he is; should he be discovered, I will proceed to obey the order of your ministry. The extradition was demanded of the court of instance, which sent me a requisition for his arrest. I replied that the troops were at its service, and no further communication was made me. By mail I send the printed correspondence."

I transcribe the above as the result of your communication on the subject.

Independence and liberty!

MEJIA.

[Inclosure 2 in No. 143.—Translation.]

*Mr. Arias to Mr. Foster.*DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, May 2, 1874.

SIR: Herewith I have the honor to send for your excellency's information a copy of a communication from the war department, as to the most recent steps taken to effect the arrest of Alexander D. Hamilton.

I am, very respectfully, your excellency's obedient servant,
(Through illness of the minister.)

JUAN D. ARIAS,
Chief Clerk.

[Inclosure in 2 in No. 143.—Translation.]

*Mr. Mejia to Mr. Lafragua.*DEPARTMENT OF WAR, *Mexico, April 29, 1874.**Citizen Minister of Foreign Affairs, Present:*

I yesterday sent the following telegram to the citizen Colonel José L. Cristo, at Matamoros:

"The citizen President directs you to send an officer of your entire confidence with a party of dragoons to San Fernando de Presas, to effect the arrest of Alexander Hamilton, who is said to be in the house of one Cuellar. By direction of the President you will make requisition upon the force of customs-guards at that place, to render such assistance as may be necessary."

And I have to-day received the following telegram in reply thereto:

"In this moment I send an officer, as you direct in your message of to-day, with the proper instructions, in order to effect the arrest of Alexander Hamilton, said to be at San Fernando, in the house of Cuellar. I will give you timely information of the result."

All of which I have the honor to transcribe to you for your information.

Independence and liberty!

MEJIA.

No. 482.

Mr. Foster to Mr. Fish.

No. 146.]

LEGATION OF THE UNITED STATES,
Mexico, May 14, 1874. (Received June 2.)

SIR: On the 27th of January last, upon information furnished me by the consul at Mazatlan, I made application to the Mexican government for the return of tonnage-dues illegally collected previous to February 15, 1873, from the American vessels Good Templar, Ada May, Montana, Three Sisters, and Louisa Simpson. On the 27th of April, not having obtained any decision of the question, I again directed the attention of the minister of foreign affairs to my previous note, and on yesterday I received his reply, stating that the department of finance had, on the 10th instant, ordered the return of the dues collected from the Good Templar, Ada May, and Montana, but that, as there is no information in that department of the payment of said dues by the Three Sisters and Louisa Simpson, the order for their return could not, at present, be made.

I have sent the consul at Mazatlan a copy of the order of the minister of finance for his information.

I am, &c.,

JOHN W. FOSTER.

No. 483.

Mr. Fish to Mr. Foster.

No. 109.]

DEPARTMENT OF STATE,
Washington, May 27, 1874.

SIR: A copy of your dispatch, relative to the condemnation of the assassins of Rev. John L. Stephens, having been communicated to the American Board of Commissioners for Foreign Missions, Boston, I transmit for your information a copy of a letter, dated the 19th instant, addressed to this Department by Mr. Clark, the secretary, expressing, on behalf of the board, much satisfaction because of the prompt attention given by you to this case, and of the efficient measures adopted by the Mexican authorities.

I am, &c.,

HAMILTON FISH.

[Inclosure.]*Mr. Clark to Mr. Fish.*MISSIONARY ROOMS, CONGREGATIONAL HOUSE,
BOSTON, *May 19, 1874.* (Received May 21.)

DEAR SIR: I have the pleasure to acknowledge your favor of April 29, with inclosed copy of dispatch from Mr. John W. Foster, the minister of the United States in Mexico, relating to the condemnation of the assassins of Rev. John L. Stephens. The American Board have heard with much satisfaction of the prompt attention given to this case by Mr. Foster in behalf of his Government, and of the efficient measures adopted by the Mexican authorities. If duly carried out, they will do much to secure protection to the lives and property of American citizens in that country.

With thanks for your favor of the 29th ultimo, in behalf of the prudential committee of the American Board of Commissioners for Foreign Missions,

N. G. CLARK,
*Foreign Secretary.*Hon. HAMILTON FISH,
Secretary of State.

No. 484.*Mr. Foster to Mr. Fish.*

No. 149.]

LEGATION OF THE UNITED STATES,
Mexico, May 29, 1874. (Received June 17.)

SIR: In my dispatch No. 98, January 24, I stated the action of the Mexican Congress in revoking the railroad concession to Mr. E. L. Plumb, as the representative of the International Railroad Company of Texas, and in granting a similar concession to a Mexican company. The time fixed for filing the bond for the faithful execution of the contract expired on the 30th of last month. Previous to that date the company applied to Congress for a modification of the contract, extending the time for filing the bond, and confining the concession for the present to the construction of a road from the city of Mexico to Queretaro. The President, in the mean time, notified the company of the near approach of the time

fixed for filing the bond. Pending the consideration in Congress, the time expired with a failure on the part of the company to file the bond; whereupon the President declared the concession forfeited and the contract annulled. The company thereupon formally dissolved its organization. Congress will adjourn on the 31st instant without granting any new concession, and the construction of new railroads in Mexico is postponed to a future period.

The cause alleged by the Mexican company for its failure to comply with the terms of the railroad concession was the opposition of the English bondholders in the money markets of Europe. In my dispatch No. 94, January 15, I gave an account of the visit to this city of Mr. John L. Geiger, of London, as representative of the English council of foreign bondholders, and of his interview with President Lerdo. As the result of Mr. Geiger's visit, the London council of foreign bondholders resolved that it would oppose furnishing any more money to Mexico for railroads or other public or national enterprises until the government made some adjustment of its indebtedness to the English bondholders. The Mexican railroad company allege that the agents sent by them to Europe encountered the persistent opposition of the council of foreign bondholders in London, Paris, Frankfurt, and other cities, and to its influence is attributed the complete failure to effect any financial arrangement, and the consequent inability to comply with the terms of the concession. No action has been taken up to this date by either the executive or Congress looking to an adjustment of this debt, and it is understood that the Mexican government will await a proposition from the bondholders. Congress has completed the objects to which the present session is especially dedicated, discussion and action upon the financial estimates of the government for the coming year; and, in conformity with the constitutional limit, will adjourn on the 31st instant.

I am, &c.,

JOHN W. FOSTER.

No. 485.

Mr. Foster to Mr. Fish.

No. 159.]

LEGATION OF THE UNITED STATES,

Mexico, June 22, 1874. (Received July 7.)

SIR: I inclose herewith a note from Mr. Lafragua, minister of foreign affairs, dated May 27 last, making inquiry, in view of the facts referred to in said note, if this legation has taken any resolution on the subject of displaying its flag on the days of Mexican anniversaries. A similar note was also addressed to all the foreign legations in this capital. I replied to Mr. Lafragua, under date of the 29th ultimo, (inclosure 2,) that this legation had taken no new resolution upon the subject, and stated to him what had been its practice in relation thereto.

I have received no reply to my note, but I have reason to believe that my answer has proven satisfactory to the Mexican government, which has manifested a sensitive regard for the observance of its national anniversaries.

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 159.—Translation.]

*Mr. Lafragua to Mr. Foster.*DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, May 27, 1874.

SIR: The legation of the United States of America has always been accustomed to hoist its flag when that of the republic was hoisted, which in due reciprocity has been hoisted when that of the American legation has been.

That reciprocity was interrupted on the 21st of March of the present year, and again on the 8th and 15th of the present month.

Although these events are surely no cause to alter or diminish the cordial relations existing between Mexico and the United States, the President of the republic has instructed me to address your excellency, to the end that you may be pleased to inform me whether the American legation has taken any resolution on the subject, with the sole object that, determining for the future the practice which may be followed, due reciprocity may be observed on the part of Mexico.

I reiterate, your excellency, the assurances of the very distinguished consideration with which I am

Your excellency's obedient servant,

J. M. LAFRAGUA.

[Inclosure 2 in No. 159.]

*Mr. Foster to Mr. Lafragua.*LEGATION OF THE UNITED STATES,
Mexico, May 27, 1874.

SIR: I have the honor to acknowledge the receipt of your excellency's note of 27th instant, in which you state that the legation of the United States has been accustomed always to raise its flag when the flag of the (Mexican) republic has been raised, which in just reciprocity has been displayed whenever that of the American legation has been; that this reciprocity was interrupted on the 21st of March of the present year, and on the 8th and 15th instant; and that although these occurrences are not surely a cause to alter or diminish the cordial relations which exist between Mexico and the United States, the President has instructed your excellency to address me to the end that I may be pleased to inform you whether the American legation has taken any resolution on this subject, with the sole object, that determining for the future the practice which may be followed, due reciprocity may be observed on the part of Mexico. Your excellency will allow me to state that you have been incorrectly informed as to the practice of this legation. While the American legation repeatedly during the year recognizes, by the display of its flag, the national anniversaries and other public days observed by the Mexican government, and has always been desirous not to be wanting in any proper exhibition of courtesy and comity, it has not been its invariable practice to raise its flag on all the days where that of Mexico was displayed by its government.

In answer to the inquiry which your excellency makes by order of the President, it gives me pleasure to inform you that this legation has taken no new or recent resolution upon the subject.

This legation has never been officially informed of the days which are observed by the Mexican government. It has, however, been its practice to display its flag on the anniversary of Mexican independence, of the promulgation of the present constitution, of the birthday of the President, of the birth and death of Benito Juarez, (with the accidental omission of the 21st of March last,) of the semi-annual opening and closing of the sessions of the National Congress, and of such other public days, the observance of which might not be construed into a want of courtesy to other friendly nations. Such will continue to be the practice of this legation so long as it shall appear to be satisfactory to the Mexican government. During the past twelve months it has been my pleasure to display the flag of this legation on eleven separate and distinct occasions, in observance of Mexican national and public days, which I trust will be considered by that government a just reciprocity for the two occasions on which it has honored the anniversary of American independence and the birthday of Washington. This legation does not ask, neither does it expect, the Mexican government to raise its flag on every occasion when that of the legation is raised. For example, one of the legal anniversaries of the United States, Thanksgiving-day, is peculiar to my own country, partakes of a religious character, and the date is fixed each year by a proclamation from the President. It is proper, in obedience to the proclamation of the President, that the flag of this legation should be displayed on that American

anniversary, but it is not expected that the flags of the Mexican government, or of the foreign legations, shall also be raised, and it is never considered as an act of discourtesy or want of just reciprocity to omit its observance. There are, also, other occasions when, in recognition of occurrences in my own country, it is proper that the flag of this legation should be raised, when it would be an unwarranted assumption of reciprocity to expect the same from either the Mexican government or the foreign legations.

I improve this occasion to assure the Mexican government of the earnest desire of this legation to omit no proper opportunity to cultivate and strengthen the cordial relations which exist between the two republics, and to reiterate to your excellency the expression of my high consideration and esteem.

JOHN W. FOSTER.

No. 486.

Mr. Foster to Mr. Fish.

No. 163.]

LEGATION OF THE UNITED STATES,
Mexico, July 8, 1874. (Received July 28.)

SIR: On the 4th of July the flags of the Mexican government were displayed on all the public buildings, and also the flags of their respective governments by all the diplomatic and consular representatives of foreign powers resident in this capital. The American citizens resident in this city on that day gave a public banquet, which was attended by President Lerdo and all the members of his cabinet, by officials of the federal district and city governments, by the diplomatic and consular representatives, and by a number of other public men. The utmost cordiality and good feeling prevailed.

I am, &c.,

JOHN W. FOSTER.

No. 487.

Mr. Fish to Mr. Foster.

No. 126.]

DEPARTMENT OF STATE,
Washington, August 7, 1874.

SIR: It affords me pleasure to transmit the inclosed copy of a communication of the 5th instant, from the Secretary of the Navy, making acknowledgments for the valuable assistance rendered to Lieutenant-Commander F. M. Green, of the United States Navy, in his recent surveys on the coast of Mexico, by General Mejia and yourself.

You will be pleased to convey to the minister of war and marine a copy of the letter of the Acting Secretary of the Navy, and of its accompaniment, through the minister for foreign affairs.

I am, &c.,

HAMILTON FISH.

[Inclosure.]

Rear-Admiral Reynolds to Mr. Cadwalader.

NAVY DEPARTMENT,
Washington, August 5, 1874. (Received Aug. 6.)

SIR: The Department has received from Lieutenant-Commander F. M. Green, commanding the steamer *Fortune*, lately engaged in surveying the coast of Mexico, a

report, copy of which is inclosed, in which he calls attention to the valuable assistance rendered in the prosecution of his work by the Hon. J. W. Foster, United States minister to Mexico, and by General Mejia, the minister of war and marine of Mexico.

The Department desires to express its appreciation of the services of these gentlemen, and requests that its thanks may be conveyed to them through the Department of State.

Very respectfully,

WM. REYNOLDS,
Acting Secretary of the Navy.

Hon. JOHN L. CADWALADER,
Acting Secretary of State.

[Inclosure in inclosure in No. 126.]

Lieutenant-Commander Green to Mr. Robeson.

UNITED STATES STEAMER FORTUNE,
Washington, D. C., July 29, 1874.

SIR: Having completed by your order the survey of the Mexican Gulf coast, I beg to call your attention to the very prompt and cordial manner in which every assistance was given me in the prosecution of the work by the United States minister at Mexico, Hon. J. W. Foster, and by General Mejia, minister of war and marine of the Mexican Republic.

At every point on the Mexican coast where the Fortune touched the local authorities had received the most stringent orders to assist our work in every possible way, thereby contributing very materially to the successful completion of the survey.

I am, sir, very respectfully, your obedient servant,

F. M. GREEN,
Lieutenant-Commander, Commanding.

Hon. GEORGE M. ROBESON,
Secretary of the Navy.

No. 488.

Mr. Foster to Mr. Fish.

No. 168.] LEGATION OF THE UNITED STATES,
Mexico, August 15, 1874. (Received August 27.)

SIR: On the 30th of June last Hon. Ramon Uriarte, envoy extraordinary and minister plenipotentiary of the republic of Guatemala, presented his credentials and was publicly received by the President of Mexico in this capital. Minister Uriarte is now engaged in conferences with the Mexican minister of foreign affairs, Hon. J. M. Lafragua, for the purpose of adjusting the question of the boundary-limits between the two republics, which has been a subject of dispute for some time past. Some unimportant disturbances have occurred on that frontier recently, but they have been occasioned by irresponsible adventurers, and are not likely to be the occasion of any serious trouble between the two governments.

In consequence of the opening of a mine, called the Oro Blanco, by an American company, of Arizona Territory, near the boundary of the State of Sonora, Mexico, several months ago, a question arose as to the exact location of the boundary-line between the United States and Mexico, which at one time threatened a conflict between the opposing American and Mexican claimants. I am informed by the United States consul at Guaymas that the controversy has been satisfactorily settled; Governor Safford, of Arizona, and Governor Pesquieva, of Sonora, each having appointed a surveyor to trace the line, resulting in locating the Oro Blanco mine some two miles from the Sonora limits. The Pres.

ident of Mexico, under a decree dated August 6, 1874, has established a frontier custom-house in Lower California, on the boundary-line of the United States, at a point called Tijuana.

The legislature of the State of Guerrero, at its recent session, passed an act conferring upon the governor of said State the faculty of expelling from its territory, without the usual forms of a legal trial, such foreigners as he might consider "pernicious." The official journal of the government in this city has announced that the act of the legislature was in conflict with the federal constitution of Mexico, which confers the faculty of expelling "pernicious foreigners" exclusively upon the President of the republic; and it also states that the governor of Guerrero will not attempt to exercise the faculty, but, on the contrary, will ask the legislature, at its next session, to repeal its act.

In my last resumé of current events I noticed the attitude of the London council of foreign bondholders in regard to the Mexican debt. The subject has attracted marked attention in this country, and the action of the English bondholders has been severely denounced by the Mexican press of all political parties.

The country continues in the enjoyment of the state of peace which has been mentioned in previous dispatches.

I am, &c.,

JOHN W. FOSTER.

No. 489.

Mr. Foster to Mr. Fish.

No. 173.]

LEGATION OF THE UNITED STATES,
Mexico, August 22, 1874. (Received September 8.)

SIR: In my dispatch No. 160, June 27, I communicated the intelligence of the murder of John W. Dunbar and Adolphus Straus, American citizens, at Mazatlan, in the month of May last. According to the facts furnished me by the consul at Mazatlan, the murders were of an aggravated and shocking character, and of such flagrant boldness as to call for the most active and vigorous measures of the local authorities. But the consul informs me that much indifference was manifested by the police and officials, and that, although a few arrests were made, as he anticipated, all have been released and the murderers are unpunished and at liberty.

In view of the fact that so many murders and personal outrages of American citizens have been reported to me without, up to the present date, a single punishment by the courts, notwithstanding the earnest representations of this legation and the various consulates in this country, I felt that the two occurrences above stated required my prompt and decided remonstrance with the Mexican government. I accordingly, on the 11th instant, addressed Mr. Lafragua the note, of which I inclose herewith a copy, and to which I ask the attention of the Department of State.

I have nothing new to report officially in regard to the murder of Mr. Alexander Saunders in the State of Nuevo Leon, and of Rev. John L. Stevens at Ahualulco, in the State of Jalisco, both of which have been the subject of dispatches to the Department. Notwithstanding some of the murderers of these American citizens were arrested and placed upon trial under the summary law of 1869, which requires a speedy trial and

execution within a brief period, and that eight and five and a half months have elapsed, I have not, as yet, been informed that any punishments have taken place. I have repeatedly, in personal interviews, directed Mr. Lafragua's attention to these cases, and especially in that of Rev. Mr. Stevens, expressed to him the interest manifested by yourself and by the public in the United States. In my last interview on the subject, on the 8th of July, I made inquiry as to the progress of the trials, and stated that, from the information furnished me as to the apparent indifference of the local authorities, I feared that no adequate punishment would be inflicted upon the murderers. Mr. Lafragua promised to communicate at once with the State authorities and advise me of the result. But up to this date I have no further information from him on the subject; neither have I, at the hour of closing this dispatch for the mail, received a reply to the inclosed note of the 11th instant.

I am, &c.,

JOHN W. FOSTER.

[Inclosure in No. 173.]

Mr. Foster to Mr. Lafragua.

LEGATION OF THE UNITED STATES,
Mexico, August 11, 1874.

SIR: I beg leave to bring to your excellency's attention the fact, that under date of the 16th of May last, the consul of the United States at Mazatlan advised me of the murder of two American citizens at that place. He states, that on the 5th day of May of this present year, John W. Dunbar, an American citizen, resident in San Francisco, California, was seized in a street of Mazatlan, and confined in a house; and that on the morning of the next day his dead body was found on a vacant lot in the outskirts of the city, stabbed with knives, and robbed of all his money and valuables.

The consul also informs me that on the 14th of the same month, Adolphus Straus, an American citizen, was kidnapped in the same city in open day, between 4 and 5 o'clock in the afternoon, taken to a vacant house in the heart of the city, robbed of jewelry and other valuables he had in his possession, amounting to about \$3,000, and murdered, there being found upon his dead body fifteen wounds inflicted with knives or poniards.

I did not bring these fearful murders to your excellency's attention at the time, as the consul advised me that he had made complaint to the local civil authorities; that he was urging them to vigorous measures for the arrest and punishment of the criminals; and that notwithstanding an apparent reluctance on the part of the police in the latter case, some arrests had been made, and the investigations were progressing. I deemed it best not to question in advance the zeal or disposition of the local authorities to administer strict and speedy punishment upon the perpetrators of these crimes against Mexican society as well as against American citizenship. But on the 16th of July last the consul informed me that his fears had been realized, and that the murderers of both Dunbar and Straus were all at liberty.

During the short time that I have been in charge of this legation, I have been officially informed by the consuls of my Government, resident in different localities of the republic of Mexico, of the death of thirteen American citizens by violence and outrage, some of them murders of the most horrid character and revolting to our common civilization. In addition to these I have also received official intelligence of several brutal assaults and personal outrages upon American citizens, not resulting in loss of life. In some of these cases I have felt it my duty to bring the facts to the attention of your excellency's government, and in others direct information has been given by the consular representatives of the United States to the local authorities. But I am sorry to state that up to the present date I am not aware that there has been one single punishment inflicted for all this long list of murders and personal outrages. It is, therefore, with the most sincere regret, and under the most urgent conviction of the duty which I owe to the dignity and honor of my Government, and to the safety of the lives and persons of American residents and travelers in this country, that I earnestly remonstrate against the apparent indifference and negligence of the local authorities to punish crimes and injuries inflicted upon American citizens by Mexicans, and call upon the federal government of Mexico to use, in an effective manner, its influence and its authority to protect the lives of my countrymen, and to punish those who mur-

der and maltreat them. I do not lose sight of the turbulent state of society, which, in past years, has made it difficult for the federal government to exercise full authority to repress and punish crime. But, happily, during the administration of the present chief magistrate of Mexico, peace has prevailed, and the supremacy of the government has been and is acknowledged throughout the republic. So, also, the State and local governments, with few exceptions, are exercising uninterruptedly their functions, and the judiciary is everywhere installed with the full force of law, and its mandates respected and obeyed. Especially has this state of affairs existed in the localities where the murders of American citizens referred to have occurred.

Such being the peaceful condition of the country, I am constrained to express to your excellency my conviction, in view of the fact that so many murders of American citizens have taken place in so short a time, without a single punishment, that the federal government of Mexico should adopt some effective measures to counteract the prejudices and hostility of the people and the indifference of the local authorities toward the rights and persons of American citizens which, unfortunately, is apparent in certain portions of the republic. I must at the same time express my appreciation, both of the marked consideration which your excellency has at all times shown to the representations which I have made in behalf of my countrymen, as well as of the desire expressed by your government to secure the punishment of the criminals who have outraged Mexican society and defied American citizenship. These friendly manifestations give assurance to my hope that vigorous and effective measures may be adopted to put an end to this grievous catalogue of crimes.

I improve this occasion to reiterate to your excellency the high consideration and esteem with which I am, your obedient servant,

JOHN W. FOSTER.

No. 490.

Mr. Foster to Mr. Fish.

No. 176.]

LEGATION OF THE UNITED STATES,
Mexico, September 2, 1874. (Received September 17.)

SIR: Referring to my dispatch No. 173, August 23, with which I inclosed a note addressed to the Mexican minister of foreign affairs on the subject of the murders of Messrs. Dunbar and Straus, American citizens, at Mazatlan, and the repeated murders of American citizens in this country without any punishment of the criminals, I now transmit the reply of Mr. Lafragua, received on the 25th ultimo. (Inclosure 1.)

In his reply Mr. Lafragua states that he has received from the government of the State of Sinaloa an application for authority to expel from the republic, as a pernicious foreigner, one Le Count, suspected of complicity in the murder of Straus, upon which the President has deferred action until he should have further details of the case. He also incloses a copy of a report from the government of Jalisco as to the progress made in the trial of the assassins of Rev. John L. Stephens, which contains substantially the information transmitted to the Department of State more than four months ago in my dispatch No. 133. He further informs me that the supreme court has declared the proceedings thus far had in the trial of the murderers of Mr. Sanders, in Nuevo Leon, to be null and void, and has remanded the case for a new trial by another tribunal. He also states that the cases referred to, far from proving the local authorities negligent in prosecuting and punishing criminals, show that up to the present time they have fully complied with their duties. The government, desirous of carrying out the suggestions which I made to avoid these unfortunate events, and of again manifesting the good-will which it entertains for the United States,

has addressed to the civil and judicial authorities of the federation and the States a most earnest injunction that in every case they prosecute and punish, with the vigor of the law, the perpetrators of crimes similar to those of which I have complained. On the 29th ultimo, in acknowledging the receipt of Mr. Lafragua's note, I stated that I could not accept the expulsion from the country of one vagabond foreigner as a due satisfaction for the murders of Dunbar and Straus, when the more numerous and influential criminals escaped unpunished. I thanked him for communicating the intelligence in relation to the trials of the assassins of Rev. Mr. Stephens, the receipt of which I had anxiously awaited, but expressed my disappointment in finding no mention of the proceedings had in the trial of the cura of Ahualulco, to whom the published accounts attributed the responsibility for the assassination, at the same time stating that I could not doubt the desire of his government to secure the complete punishment of the assassins of Mr. Stephens, in view of the expressed disposition to protect the lives of American citizens, and its obligation to indicate the freedom of religious worship, which in Stephens's murder had been outraged and defied. I also expressed regret at being informed, after the earnest efforts made to secure the punishment of the murderers of Mr. Sanders in Nuevo Leon, that all the proceedings thus far had been declared null.

In answer to Mr. Lafragua's intimation that it would be desirable to have a detailed statement of the thirteen cases referred to in my note, in order that his government might ascertain the extent of the negligence and indifference of the local authorities, I have replied that it might be difficult to give such facts as would establish this, but that the bad statement that the lives of thirteen American citizens had been taken by violence, without as yet a single punishment therefor, was sufficient basis for the intimation in my note; but that the four cases referred to by him, and now pending, afforded an excellent opportunity for the government to test the zeal and impartiality of the local authorities to administer justice, uninfluenced by popular prejudice.

In conclusion, I made proper acknowledgment for the action taken by the Mexican government, influenced by the suggestion in my note of the 11th instant, in enjoining upon the federal and State authorities a vigorous prosecution and punishment of criminals. I inclose a copy of my note. (Inclosure 2.)

Notwithstanding Mr. Lafragua insists that in the cases discussed, the authorities have been duly diligent, the information furnished me from Monterey and Mazatlan leads me to fear that no punishments will follow the murders of Sanders, Dunbar, and Straus; and that in the case of Stephens, at Ahualulco, the influential and more prominent criminals will escape, as the cura and a number of persons tried before the same tribunal have been, according to the newspaper reports, acquitted, and if any are punished they will be the more obscure actors in the tragedy.

I desire in this connection to call your attention to an announcement which appeared in the *Diaño Oficial*, the government official newspaper of this city, on the 29th ultimo, in which it is stated that the minister of foreign affairs has instructed the Mexican minister at Washington to take action in relation to certain occurrences in Texas, of which several Mexicans have been the victims, (inclosure 3.)

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 176.—Translation.]

*Mr. Lafragua to Mr. Foster.*DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, August 24, 1874.

SIR: Referring to your excellency's note of the 11th ultimo, in which you were pleased to communicate the information which the United States consul in Mazatlan transmitted to your excellency relative to the crimes committed on the persons of John W. Dunbar and Adolphus Straus, American citizens, I have the honor to inform your excellency that at the same time that I received your note above mentioned a communication from the government of Sinaloa reached this ministry, asking that a passport be issued to William LeCount, in order to expel him from the country as a pernicious foreigner; for although the judge, having cognizance of the proceedings instituted against said assassins, placed him at liberty, the antecedents of said individual and his presence there render necessary his expulsion. The President, being informed of all this, has been pleased to order that, before deciding concerning the expulsion of LeCount, information should be asked from the government of Sinaloa as to the reasons the judge may have had for leaving this individual at liberty; and in order, should better information be had as to his criminality as the perpetrator of, or accomplice in, the assassination of Straus, that he be made to suffer the punishment he may merit, reserving the decision as to his departure from the republic for a later date.

In consequence of the lamentable events which have taken place in Mazatlan, your excellency says that, in the short period that the legation has been in your charge, the consuls of your Government in the different places in the republic have informed you of the death by violent means of thirteen American citizens, and of other cases of personal attacks and outrages which have not resulted in the loss of life. Your excellency then makes some further remarks, doing justice to the desires of the government, and expressing the wish that rigorous and effective measures may be adopted to put an end to this grievous catalogue of crimes. In reply, I have the honor to state to your excellency that it would be desirable to detail the cases of which the general government has had no knowledge, to the end that it may order efficacious measures to secure the prosecution and punishment of the delinquents, and know how far the local authorities may appear guilty of neglect and indifference.

I must take advantage of this opportunity to inform your excellency that regarding the latter, of which the government has had knowledge, being those relative to Sanders and Stephens, the government, in addition to having effectively incited the authorities of Nuevo Leon and Jalisco, in order that prompt and merited justice might be administered, asked information from the governors of those States, in order to direct that which should be proper in accordance with their powers. As a result of this action, the government of Jalisco, on the 27th of July last, made a report, a copy of which I have the honor to remit to your excellency herewith, in which you will see that the local judges of said State are moving with activity and rigor, even to sentencing the apparent criminals to death; but at the moment of executing the sentence the criminals demanded "amparo," which, as your excellency knows, is a legal recourse to which all the inhabitants of the republic have a right. We now await the determination of the "amparo," and will give your excellency early notice of the final result of this matter.

The assassins of Sanders, likewise condemned to death by the local authorities of Nuevo Leon, also availed themselves of the right of "amparo," which was conceded by the supreme court of justice, June 27 last, on the ground, not that they are or are not criminals, but that the authority which judged them had no jurisdiction, so that the criminals remain to be tried before a judge competent to hear a new trial, and to apply the punishment which they merit according to the law. The foregoing information, based upon undeniable facts, is sufficient to show that the local authorities, far from appearing negligent in prosecuting and punishing the criminals, are fulfilling completely their duty so far as may be expected, notwithstanding the delay of proceedings in some cases; for this grows out of complications in the affairs, and the sometimes insurmountable difficulties in the way of obtaining the proofs which the law enacts, or many other circumstances independent of the will of the authorities.

Further, in order to remove the apprehension that the Mexican people are hostile and prejudiced against the citizens of the United States of the North, it is also sufficient to present the facts relative to the American citizen Straus, in whose assassination, according to the information which has been received up to to-day, the foreigner LeCount appears to be the assassin or accomplice, while it may not be possible to prove his criminality judicially; but the suspicions entertained by the government of Sinaloa itself fall upon the said foreigner, whose nationality is unknown, but undoubtedly is not Mexican. In addition to this case, many others can be cited in which many foreigners of various countries have appeared to be guilty of crimes which have disturbed society, who, not distinguishing nationalities, have caused seri-

ous damage, being persons without occupation and immoral, and who have been subject to severe punishment, or who have been expelled from the republic as pernicious.

Notwithstanding this, the government, desirous of following your excellency's suggestions, in order to avoid these unfortunate acts, and to give new evidence of the goodwill which it entertains toward the United States, which your excellency, with notable justice, recognizes in your courteous note which I have the honor to answer, has ordered to be addressed, through the proper channels, to the civil and judicial authorities of the federation and of the States the most urgent exhortation that the perpetrators of such crimes as your excellency denounces be in every case prosecuted and punished with all the rigor of the law, not only because it is just, but also because it accords with the decorum of Mexico, and the harmony and understanding that happily exist between the two republics.

I repeat to your excellency the sentiments of high consideration and distinguished regard with which, I am, &c.,

T. M. LAFRAGUA.

[Inclosure in 1 in No. 176.—Translation.]

Mr. Vallarło to Mr. Lafragua.

SUPREME GOVERNMENT OF THE STATE OF JALISCO,
Guadalajara, July 27, 1874.

To the Citizen Minister of Foreign Affairs :

The citizen president of the supreme tribunal of justice to-day communicated to me the following:

"Under date of the 25th of the present month the citizen judge of the first criminal court informs me that which I copy, as follows: 'You will please inform the supreme tribunal of justice that the cases of the accomplices in the assassination of Stephens is in a condition to be submitted to the decision of the jury, as the requirements of decree No. 59 of the state legislature have been complied with in the proceedings. I have the honor to inform you of the above, in reply to your official communication No. 2251.' I do myself the honor to inform you of the above, in reply to the official communication relative thereto from the American section of your ministry, and dated the 10th of this month, and to add that the execution of the criminals, José Ma. Hernandez, Merced Arias, Comelio Casas, Quirino Rubio, and Felipe Chavarria, who were undergoing religious preparation, in Ahualuco, to suffer capital punishment, as they had been refused pardon, has been suspended by the district judge. The same authority also has suspended since the 11th of May ultimo the execution of Francisco Solo, accomplice likewise in the above case, and up to this date the "amparo" which suspends these executions has not been determined."

Independence and liberty.

YGNACIO L. VALLARLO.
F. G. RUESTRA, *Secretary.*

[Inclosure 2 in No. 176.]

Mr. Foster to Mr. Lafragua.

LEGATION OF THE UNITED STATES,
Mexico, August 29, 1874.

SIR: I have received your excellency's note of the 24th instant, in which you acknowledge the receipt of my note of the 11th instant, on the subject of the murders of the American citizens Dunbar and Straus, at Mazatlan; inform me of the passport requested by the government of Sinaloa for the expulsion from the republic as a pernicious foreigner of one LeCount, suspected of complicity in the murder of Straus; inclose to me a report from the government of Jalisco as to the progress made in the trial of the assassins of Rev. John L. Stephens; and give me information of the proceedings in the case of the murder of Alexander Sanders, in the State of Nuevo Leon. I am gratified to learn from your excellency's note that the President did not think proper to adopt the method proposed by the government of Sinaloa for punishing the crimes committed at Mazatlan, until he should have further details of the efforts made by the courts and authorities to ascertain and punish the authors of the murders. It would hardly seem compatible with the demands of justice that the simple expulsion from the country of one vagabond foreigner would atone for two such revolting murders as those referred to, and it would certainly be inconsistent with the past position of this legation to recognize, as a due satisfaction toward outraged American citizen-

ship, the exercise of what it regards as an anti-republican and dangerous constitutional faculty, when those who most likely are the more numerous and more influential criminals are left unpunished by the local authorities. It is much more important that those who may have been able to secure the inactivity and favor or awaken the prejudices of the officials should be made to feel the power and justice of federal authority. In reading the facts attending the murders at Mazatlan, as stated in my note of the 11th instant, I think your excellency will conclude that the crimes must have been the work not of one person, but of one or more bands of men. Besides, it does not appear that LeCount, whom it is proposed to punish by expulsion from the country, is suspected of complicity in more than the single murder of Straus. In that of Dunbar I have as yet no information that even any arrests have been made.

I have anxiously awaited the receipt of official intelligence of the progress made by the State government of Jalisco in the punishment of the assassins of Rev. John L. Stephens, whose terrible death has awakened a wide-spread interest and sympathy in the United States; and I thank your excellency for communicating the report, accompanying your note, of the legal proceedings. In examining said report, I was disappointed in finding no mention of the proceedings had in the trial of the cura of the parish of Ahualulco, to whom the published accounts of the lamentable event attributed the responsibility for the assassination. I will not allow myself to question the zeal or the sincere desire of the Mexican government to secure the complete punishment of the authors and perpetrators of this crime, because it has two great motives to incite it to unusual diligence; first, its expressed disposition to protect the lives and persons of American citizens; and, second, its obligation to indicate in the fullest manner the freedom of church worship and religious toleration in this republic, which in the assassination of Mr. Stephens was outraged and defied. The present government of this country is too strongly committed to this acknowledged principle of liberal republicanism to allow, in a case so notorious and flagrant as this, the law-delays and technicalities, the indifference of the local tribunals and officials, or the intolerance or prejudices of any portion of society to defeat the demands of justice, or set at defiance the principles of religious liberty.

While I highly respect the impartiality and wisdom of the supreme court, I cannot fail to express regret at the intelligence you communicate in the case of the murder of Mr. Sanders. The circumstances of his murder and the locality where it occurred, in my opinion, called for the most rigorous measures, the promptest trial, and the speediest execution of the criminals. And I was led to believe that such would be the result of the active interference of the consul at Monterey, of this legation, and of the federal government, with the local authorities. I trust that the nullification of all the legal proceedings thus far in this case may not disappoint my expectations. Your excellency refers to the statement I make in my note of the 11th instant, of the number of murders of American citizens which have been reported to me, and to the desire I expressed that the Mexican government would adopt vigorous and effective measures to put an end to this grievous catalogue of crimes, whereupon you state that it would be desirable to detail the cases of which your excellency's government has had no knowledge in order to secure the prosecution and punishment of the delinquents, and to know how far the local authorities may appear guilty of negligence and indifference. It might be difficult in all the cases which have been reported to me to give such facts as would establish the negligence or indifference of the authorities or the prejudices of the people; but the bare statement of the fact contained in my note of the 11th instant, that the lives of thirteen American citizens had been taken by violence or outrage, and not a single punishment had thus far resulted from them, is sufficient to base the expression of the conviction which followed. In the past four months I have brought to your excellency's attention the details of the four murders which are alluded to in your note of the 24th instant, all of which afford excellent opportunities for the government to test the zeal and impartiality of the local authorities to administer justice, uninfluenced by popular prejudice.

In the cases at Mazatlan, the consul of the United States expressly charges indifference on the part of the police to detect and arrest the guilty parties, predicted in advance of the trial that there would be no one punished, and has informed me that all the murderers are at liberty.

In the assassination of Stephens, it is charged that the assault was openly instigated by the parish cura, participated in by the military, and publicly rejoiced over by the community. And it is also alleged that the chief authors of the crime have either not been arrested or have been acquitted by the courts.

In the case of the murder of Sanders, the consul expressed to me the belief that, notwithstanding the flagrant nature of the act, and the well-known good character and standing of the murdered man by the highest officials of the State, judging from the past, no punishment would follow. And when I repeat to your excellency what I stated in a former note, that nine of the thirteen murders referred to have occurred in or adjoining the consular district of Monterey, you can infer the reasons upon which the consul bases his opinion, and will agree with me that the case of Sanders may afford the

federal government occasion to secure before the local courts a proper protection to the lives of American citizens.

I receive with pleasure the information that your excellency's government, acting in conformity with the desire expressed in my note, has addressed to the civil and judicial authorities of the federation and the States a most earnest injunction that in every case they follow and punish with the rigor of the law the perpetrators of crimes similar to those of which I have complained. I accept this action as another expression of the sincere desire which animates the present government of Mexico to preserve cordial relations of friendship with the United States, and to afford just protection to its citizens, and I trust this measure may add increased honor to the great achievement of the present chief magistrate of Mexico, in preserving peace during his administration, and promoting a more impartial enforcement of and respect for the law.

Your excellency will please to accept the assurances of my high consideration,
JOHN W. FOSTER.

[Inclosure 3 in No. 176.—Translation.]

[Diario Oficial, City of Mexico, August 29, 1874.]

THE MEXICANS IN TEXAS.

A Matamoras paper calls the attention of the minister of foreign relations to the occurrences which have taken place in Texas, in the United States, in which several Mexican citizens have been the victims. Mr. Lafragua, on learning the facts, at once sent instructions to the Mexican minister at Washington to take proper steps in the matter.

No. 491.

Mr. Fish to Mr. Foster.

No. 134.]

DEPARTMENT OF STATE,
Washington, September 8, 1874.

SIR: Your dispatch No. 173 of the 21st ultimo, relative to the murder of Americans in Mexico, has been received. The Department learns with much pain the facts therein stated.

One of the most atrocious of the many cases of that kind was the killing, in March last, of the Rev. John L. Stephens at Ahualulco, in the State of Jalisco. The circumstances were such that the Mexican government appears to have felt compelled to act promptly in the matter. That course was taken accordingly, much to our gratification, and in your dispatch No. 133, of the 15th of April last, you report that seven of the assassins had been tried and condemned to death, from which sentence they had appealed to the supreme court. It does not appear what were the grounds of the appeal, or whether they had been passed upon by that tribunal. It is inferred, however, that they were still under consideration, as the case is one of those which you mention in your note to Mr. Lafragua of the 11th ultimo. You will further inform him orally, but confidentially if need be, that this must necessarily become an international affair unless it shall be satisfactorily disposed of and without unreasonable delay. Its obvious peculiarities will not allow this Government to take any other course.

I am, &c.,

HAMILTON FISH.

No. 492.

Mr. Foster to Mr. Fish.

No. 185.]

LEGATION OF THE UNITED STATES,
Mexico, September 18, 1874. (Received October 6.)

SIR: The third session of the seventh Congress of the Union was opened on the 16th instant with an address by the President of the republic, a copy and translation of which I inclose with this dispatch.

A political difficulty has occurred in the State of Oaxaca, which has resulted in the separation of the legislature into two distinct bodies, composed respectively of nine and seven members. The governor of the State refuses to recognize the larger body, claiming that it has been illegally constituted. The public peace has not as yet been disturbed, but much ill-feeling exists between the adherents of the two bodies, and the subject is exciting general discussion in the press of this capital.

The Mexican minister to the German Empire, General Benavides, has tendered his resignation from Paris, while *en route* to his mission. His resignation has been accepted, but no successor has as yet been named.

President Lerdo has appointed a commission of scientific gentlemen to witness the transit of Venus at Peking, and the commission is expected to proceed at once to that city.

The Apache raids from Arizona Territory into the State of Sonora continue to be reported, and are said to result in the additional loss of lives of Mexican citizens and of property. The Mexican commission which has been engaged in receiving the claims of the citizens of Sonora for damages resulting from these Indian raids from the territory of the United States, has concluded its labors in that State, and is now in session for the same purpose in the State of Chihuahua.

The 16th of September, the anniversary of Mexican independence, was celebrated with the usual civic and military ceremonies.

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 185.—Translation.]

[Diario Oficial, Mexico, September 16, 1874.]

President Lerdo's address to the Mexican Congress.

CONGRESS OF THE UNION.

To-day at 4 o'clock p. m. the opening of the third period of the sessions took place. The citizen President of the republic said:

CITIZEN DEPUTIES: You have returned to the discharge of the high duties which the Mexican people have committed to your illustrious patriotism and to your zeal for the public good.

Our relations with friendly powers continue happily preserved with cordial goodwill.

A representative of the republic of Guatemala having been recently accredited to Mexico, negotiations have been begun with him upon the long-standing and important subject of fixing the boundaries between the two countries. This will result not only in determining exactly the boundaries, but in preventing that ill-feeling which, through some uncertainty respecting them, has been occasioned between neighboring peoples, and in strengthening the friendly relations which exist between the two republics.

After exchanging the ratifications of the treaty of the extradition of criminals, there were also exchanged those of the treaty of commerce, also concluded with the King of Italy, within the time fixed for that purpose, which Congress was pleased to approve. These two treaties have been published as laws of the republic, which afford new reasons for strengthening and encouraging commercial and diplomatic relations with that nation.

The investigating commission which was appointed for the States of Sonora and Chihuahua, after having finished their investigations in the former State, are continuing them at present in Chihuahua. As the six months designated were not sufficient, the executive extended the time six months, according to the law. The labors of this commission, as also those which the commission appointed for the State of Coahuila, Nuevo Leon, and Tamaulipas, concluded successfully, will be very fruitful in the just defense of the rights and interests of the inhabitants of the frontier.

The contracts subsidizing two lines of steamers for service at regular intervals between several of our ports on the Pacific have become involved in difficulties, which the executive has sought to remove. The contracts having been renewed, the service of the steamers has been continued with decided benefit to several of our States which have an important commerce with those ports. In due time there will be submitted to Congress the extension which is thought to be necessary in the term of one of the contracts, in order that, if it be thought proper, it may give its approbation.

It has been announced that the service of a line of steamers between Vera Cruz and New Orleans, touching at Tuxpan and Tampico, will not only be begun within the stipulated time, but that the beginning will be anticipated in October next. This service will be very useful to the commerce of those three ports, by reason of the greater frequency of communication and greater accommodation of travelers.

A contract has been made, subsidizing a new line of diligences from Tepic to Guaymas. This line will extend about three hundred leagues through the whole length of Sinaloa, and a considerable extent of Sonora, with great benefit to the commerce and travel in those important States, and to the frequency and expedition of the mails, since, instead of two, there will be three weekly passages, reducing the delay to half the time until now employed.

In order to facilitate commerce in an important part of Sonora, a custom-house has been established at the port of Libertad; as, also, one has been established for the same purpose at Tijuana, on the frontier of the territory of Lower California.

There has been completed and in press, for presentation to Congress, the plan of reform of the mineral ordinances. Once decreed as federal law, besides its beneficial application to the territory of Lower California, it may be adopted by our mining States, in so far as it may contribute to the development of this interesting branch of the national wealth.

As the publication of the code of procedure in criminal cases is connected with some modifications in the organization of the district tribunals, this subject will merit, to the extent Congress may think best, its intelligent consideration.

Several States have adopted the views of the proposition which the executive addressed to Congress respecting compulsory primary education. The advantage of attempting this in the district and federal territory will be considered by the representatives of the nation, since so much good is to be expected from the development of primary instruction, the inexhaustible fountain of the intelligence of the people, and an element most efficacious for the consolidation of democratic institutions.

Diligent care has been taken to better, so far as possible, by useful instruments and necessary apparatus, practical instruction in those branches which require it, in order that the ample theoretic instruction in the national schools of the second grade may be made the most beneficial.

The experiment has also been tried of introducing into both the primary and secondary schools of instruction suitable exercises for the physical development of the pupils. The wisdom of Congress will determine what it may think best touching the pending reforms in the law of public instruction.

The time of the lease of the mint of Chihuahua having expired in August, arrangements were made at the proper time to receive it, so that, with the exception of the one in Mexico, the termination of whose lease still is delayed, the other ten mints of the republic are already administered by the government.

The re-coining of worn money has commenced, in order to remedy the evils caused by its circulation. Efforts should be made at once to withdraw the old silver coinage of the smaller values, to the end that all the money may be uniform in the decimal system.

Recently the cable communicating with the island of Carmen has been laid, connecting the telegraph line of Mexico, by Tabasco, with Campeachy and Yucatan. The executive omits no exertion that each day may advance more and more the lines under construction, and provides the materials for the extensive lines proposed, that will unite the capital of the republic with those States where telegraphic communication does not yet exist, so useful to commerce, industry, and all the branches of public service.

Successful measures are being taken to finish the mole of Tampico, and the canal between the lakes of Chijol and Tamiahua, which will facilitate commerce between many towns of the States of Vera Cruz and Tamaulipas. Also, the necessary provision has been made to commence the canal between the river Armeria, and the lake of

Cuyutlen, at Manzanillo. The realization of this work will be very important to the health of that port, which will attain thereby the importance its situation merits.

The executive regards it his duty to recommend the proposition for the survey and adjudication of the wild lands in Lower California, as well as the bills pending on colonization, from which we may expect so much, and which is without doubt one of the objects that ought to be considered with special interest.

The proposition to reform the law on concession of privileges is worthy also of being recommended, which, when they are granted as a reward due to intelligence and to labor, are a most efficacious stimulus to the progress of science, industry, commerce, and the arts.

A commission, appointed of intelligent and competent persons, has been intrusted to make arrangements for the national exposition next year, and for the part which Mexico may take in the international exposition at Philadelphia the following year. We have full confidence that the republic will continue to avail herself of the benefits of peace, which will permit her to gather the rich fruits of these assemblies of industry and civilization.

The expenses of the public administration have continued to be met with perfect regularity. The executive has taken especial care to continue to invest as much as the treasury would permit, in ways of communication and in various branches of public improvements, so necessary to the support and development of the public wealth.

Conformably to the authorization of Congress, the modifications necessary in the stamp-law have been made. The machines necessary for the stamps being already established, their use can be commenced in January next.

The construction of the line of railway from Vera Cruz to Mexico by way of Jalapa continues advancing, to which latter city it is expected it will be completed before the time specified. This new route will encourage an important commerce between rich and fertile districts and with the chief of our ports.

It was opportunely communicated to Congress at its former session, that it had been necessary to declare terminated the last concession for the interoceanic and international railroads. Doubtless the short time intervening afterward was not sufficient to complete the organization which was announced of a new enterprise; but the executive will omit nothing that may depend upon him to facilitate any plan of equitable conditions, endeavoring to establish the base of an immediate guarantee of realization. The railroad to the interior is worthy of the greatest interest for a very just reason to many of our most important States, in order that they may participate in all the benefits of a railway, which ought to result in a fruitful movement embracing all the elements of national wealth.

I congratulate you, citizen deputies, because you come anew to seek with your wisdom and patriotism the well-being and prosperity of the republic.

No. 493.

Mr. Foster to Mr. Fish.

No. 191.]

LEGATION OF THE UNITED STATES,
Mexico, October 2, 1874. (Received October 22.)

SIR: I transmit herewith two articles which have recently appeared in the *Diario Oficial* of this city, with translations thereof, referring to the statements which have appeared in several newspapers of the United States and Europe, that negotiations were pending between the governments of the United States and Mexico for the cession of a part of the territory of the latter to the former country. The articles have special significance from their appearance in the official journal of the government, as indicating the sentiment of the present administration of Mexico upon a subject which has gained currency through unfounded newspaper reports.

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 191.—Translation.]

[From the Diario Oficial, August 16, 1874.]

“THAT IS A LIE.”

Under this heading the Monitor says :

“The American journals do not bite their tongues to tell lies.

“The Commercial Herald recently published one of those sensational items which so much please our neighbors, which item has been republished, with extensive comments, by their colleagues on the other side of the Bravo. According to this article the Mexican government has made propositions to the United States for a cession of our States of Nuevo-Leon, Coahuila, Sonora, a part of Cinaloa, part of Durango, and the Territory of Lower California.

“The Mexican people have always regarded with indignation any idea of a cession of a part, even an inch, of its territory, and to-day the public man who should propose such a thing would not even be judged as a criminal, but we should hand him over to the medical fraternity as a case of extreme lunacy:

“Such is our conviction; such is the conviction of *all Mexicans*. Nevertheless, that the lie may have a stronger denial, we ask our colleague, the Diario, to tell us, not what there is, but what there can be in this matter.”

We have seen the article to which the Monitor makes reference, copied by the Alta California, of San Francisco, and, perhaps, by other American journals; but we had not thought it necessary to say anything about it, because of the ridiculous and extravagant idea which it contains. This government has not made nor will it ever admit propositions for parting with a single jot of the territory of the nation.

[Inclosure 2 in No. 191.—Translation.]

[From the Diario Oficial, September 30, 1874.]

THE REPORTED NEGOTIATIONS FOR A SALE OF PART OF THE MEXICAN TERRITORY.

Our readers will doubtless remember that the Commercial Herald, of San Francisco, Cal., gave currency a few months since to a sensational report, stating that the government of Mexico had opened negotiations with the United States, which had for their object a cession to that country of a considerable part of Mexican territory; and they will also remember that the Monitor, first, and afterward the Diario and all the press, declared that this report was absolutely without foundation. Well, then, as was to be expected, several European periodicals reproduced the article from the Commercial Herald, and reproduced it, too, without any correction, perhaps because, not having received at the time the Mexican papers, they were not aware that the matter had been positively denied. This gave occasion to several agents of the republic abroad to make corrections, which, we are pleased to say, almost all the editors to whom they were sent hastened, with the greatest willingness, to publish. But among these editors there were two who absolutely refused to make known the truth to their readers; we refer to the Times, and Daily Telegraph, of London. This last paper did not confine itself to republishing the article of the Commercial Herald, but was pleased to embellish it by adding information of its own invention, to the effect that the negotiations opened by the Mexican government, for the purpose indicated, coincided with other negotiations begun in London with the bondholders by the representatives of the same government. In the opinion of this daily, the principal object of Mexico was to obtain, by these means, resources for its exhausted treasury.

Mr. Ignacio de Ibarrodo, private commercial agent of the republic in that capital, and Mr. Pablo Martinez del Campo, who holds a similar position in Liverpool, sent to the said periodical the letters which our readers will see at the end of this article; but, as we have said, the editor of the Daily Telegraph refused to publish them. Mr. Ibarrodo wrote to the Times, whose editor likewise refused to receive his letter. Fortunately there were not wanting impartial journals in the capital of Great Britain, and the Daily News has made the desired publication.

As it may be seen, the publication of Mr. Ibarrodo's letter gave occasion to the secretary of the committee of Mexican bondholders to venture to affirm that negotiations were being had between the said committee and the government of Mexico for the arrangement of the debt. This is absolutely false. Up to the present time the only thing that has occurred is that these same interested parties, some themselves, and

others through the agency of their representative in Mexico, have been making efforts, since 1867, to see if it is possible to arrive at any practical result; all has proceeded upon their own motion, because, so far as the government is concerned, it has abstained from forwarding with them any negotiations looking to the object which the said secretary suggests.

In Spain and Belgium, the article to which we have been making reference was, of their own accord, corrected by several journals. In Germany, Mr. Pedro Lamdazuri, Mexican consul in Hamburg, addressed to the *Norddeutsche Allgemeine Zeitung* a letter, which that paper hastened to publish, calling the attention of its readers to it.

No. 494.

Señor Mariscal to Mr. Fish.

LEGATION OF MEXICO,
Washington, January 14, 1874. (Received January 17.)

MR. SECRETARY: I propose to treat in this note of a matter which is no longer one of recent occurrence, but against which my government has not yet protested. only for the sake of giving a very clear proof of the value which it attaches to the maintenance of its friendly relations with the United States. Nevertheless, now that the excitement which the act produced in Mexico has entirely passed, and that the antecedents which seemed to serve as an excuse for it have been carefully examined, I have received instructions to present it to the consideration of the Department of State, together with some reflections upon the grave importance which characterizes it. I refer to the incursion made into Mexican territory, on the 18th of May last, with United States troops, by Colonel Mackenzie. It is well known that the reason alleged for this proceeding, so different from what is usually required by the relations of two neighboring nations, at peace with each other, was the necessity of punishing certain savages, the Kickapoo Indians, who lived in Mexican territory. Without attaching any higher value to this excuse than it can have according to international law, I have the honor to send, with this note, a copy of the report made to my government on the origin and merits of the complaints against the Kickapoos and of the alleged Mexican depredations in Texas, by the commission which was appointed on the part of Mexico for the purpose of investigating them with all possible impartiality. In this report something of the exaggeration and inaccuracy which have marked the complaints of certain Texans and their friends (which complaints were evidently designed to bring about a conflict with the Mexican Republic) is shown. The Kickapoo Indians, who are more or less responsible for the evils which have been so much exaggerated, have now been removed, from the frontier and from the territory of Mexico, their removal having been accomplished with the efficient aid of my government.

It is therefore now proper to protest against the incursion of Colonel Mackenzie. No one can now accuse the Mexican government of regarding with indifference the evils to which I refer, or of refusing to apply the remedy which seems most suitable. The truth is that this remedy was already in process of adoption, with the concurrence of Mexico, when the raid of the aforesaid colonel took place, whence it seems still less excusable. But if it was even then not just to doubt the sincerity of my government, or the possibility of remedying the situation by legal means, it is much less so now that time has thrown light upon the events. When the minister of the United States in Mexico presented

his first request, my government manifested its readiness to co-operate to the extent of its ability in the removal of the Kickapoos; and if it did not give its consent to the entrance of United States troops into Mexican territory for that purpose, it was because that was not within the limit of its constitutional powers. In everything else, however, it gave evidence that it desired to comply with the desires that were expressed to it. It issued repeated instructions to this effect to the authorities on the Texan frontier. These were uniformly obeyed; and the course which affairs had taken shortly before the act of Colonel Mackenzie is a proof that those instructions were sufficient for the purpose had in view. The act to which I allude therefore seemed all the more strange.

It were vain to allege that there have been various cases in which armed men from Mexico have crossed over into the territory of the United States, especially in pursuit of marauding Indians, because, in addition to the fact that this is often done in pursuance of an agreement between the local authorities of one country and those of the other, it has always been done without the authorization of the general government of the Mexican Republic, which, if any complaint had been made, or if the matter had been brought to its notice officially, would have censured such acts, and would have adopted the necessary measures to prevent a recurrence of them. The acts to which I refer, and of which I only have vague information, differ therefore entirely from that of Colonel Mackenzie.

In view of these considerations, and of the good faith and friendly spirit which actuate the Government of the United States in its relations with Mexico, my government hopes that an act similar to the one in question will not be committed hereafter; and that if any measures shall be deemed necessary in order to remedy evils on the frontier, which it may be necessary to carry out on Mexican soil, such measures will be adopted and carried out by both governments jointly, since an incursion of foreign troops into the territory of Mexico, beside being at variance with the principles which govern nations in time of peace, may, in my country, bring the administration into very serious conflicts, and materially disturb the peace of the republic. This last consideration will probably be sufficient for a friendly government; for it will not wish to run the risk of causing such terrible evils to its neighbor, when it relies upon the good will of the latter to secure the just ends which it seeks to attain.

I have, &c.,

IGNO. MARISCAL.

[Inclosure.]

Report of Frontier Commission appointed to investigate matters on the Northern Frontier.

[Translation.]

Having been engaged in collecting private information in relation to the occurrences at El Remolino on the 18th ultimo, when two Indian camps were attacked by regular troops of the United States under command of General Mackenzie, and before taking official steps in regard to this invasion, the commission deems it essential to transmit to you, for the information of the citizen President, all the information that has been obtained, it not having been communicated heretofore for the reason that the commission did not feel certain of its accuracy.

Now that the commission has received information from persons residing on the very ground where the events took place, and of whose veracity it has guarantees, it becomes indispensable to communicate said information to you, that you may be able to form an exact idea of the situation of those frontier towns, and of the importance of

the occurrences which have taken place in them. It will first, however, be necessary to enter into some details with regard to the history of these Indians.

The Kickapoos came to this country as long ago as 1850, and to those of the tribe who did not return to the United States the same year, the government made a grant of land, situated ten leagues from Santa Rosa. They settled there with their families and engaged in agricultural pursuits on a small scale, which they soon abandoned for the sake of deer-hunting. For this purpose most of them left their settlement and became scattered in small parties throughout the frontier towns, especially in those of the Rio Grande district, where their conduct has, in general, been good, although there have been cases of horse-stealing in the said towns, the stolen animals having been taken to their settlement above Santa Rosa.

The small value of the property stolen, the restitution which they were compelled to make by the authorities of Santa Rosa, and the services rendered by them in the war against the Comanches, Lipans, and Mescaleros, together with the occasional assistance which they gave as agricultural laborers, contributed to cause the faults of those who engaged in thieving to be regarded with leniency, that is, to induce the authorities not to hold the whole tribe responsible for the acts committed by some individuals belonging to it, to the injury of citizens of Mexico.

As in Mexico, these thefts have likewise been committed in Texas by the Indians in question. They have been, however, quite as insignificant as those committed on our side of the river. The unanimous testimony of respectable inhabitants of the frontier leaves no room for doubt as regards the fact of these incursions, as well as of their trifling importance.

The Kickapoos having been scattered throughout various towns until April last, their pursuits have been invariably the same, and, with the exception of here and there a complaint on account of horse-stealing, the residence of the Indians in the towns remained unnoticed, and was only thought of when complaints were heard from some Texan-Americans, who charged them with the murders which had been committed in that State, and with some horse and cattle stealing. As the Indians in question have made no sales of cattle or horses, save in isolated cases, these charges were disregarded, being attributed to that propensity, so general among the Americans, to exaggerate everything that affects them.

During the twenty-two years that the Kickapoos have resided on the frontier, the Comanches have never been at peace there, and it has been observed that whenever those savages have made an incursion from Texas, the Kickapoos have fought them with praiseworthy zeal, to which they are in a great measure indebted for the consideration which has been shown them. During the same period the Lipans made war, and did not agree upon a peace until the year 1855, after having committed horrible outrages. Perfidious as they always are, the Lipans did not adhere to the terms of the peace, and excited the hatred of the people of the frontier, who, galled by the outrages which they had suffered at the hands of these Indians, and by complaints from the authorities of the United States, fell upon them in 1856 and nearly exterminated their tribe, of which only a few miserable remnants were left, who, as it was afterward learned, sought an asylum among the Mescaleros, their kinsmen.

Since that time the Lipans have made war against Mexico, in conjunction with the Mescaleros and the Comanches, living almost constantly within the territory of the United States, from which they have committed their depredations against the settlements on the Rio Grande, both Mexican and American.

About the year 1862 their lack of the necessities of life on the one hand, and the active hostilities, which, as is known, were carried on against them in the United States where they resided, forced them once more to ask peace of the governments of Nuevo Leon and Coahuila. They then remained for some months at San Fernando, from which town they suddenly decamped, lest the people should rise against them to avenge a murder which they had committed at El Remolino. The banks of the river Pecos afforded them a shelter, as usual, and thence, during the last ten years, they have carried desolation and death to the frontier towns of Mexico and the United States.

Had the commission not made minute and exact investigations with regard to this tribe, it would have been very difficult to designate the places in the desert where they have found shelter during this latter period, and only through the accounts given by captives and the subsequent revelations of the Indians themselves has it been possible to reach the truth, which is that Mexico has suffered more than the United States from the depredations of these savages, which have been unceasing on both frontiers. The commission has unquestionable ground for believing that the last bloody inroad into the Mexican frontier towns, which took place in 1869, was made by these very Indians. It knows that they have lived in Texas, on the banks of the Rio Pecos, and that, while they committed outrages in Mexico, they did the same in the United States, escaping from pursuit in either republic by crossing the Rio Grande, with which river they are perfectly familiar throughout its entire length, as they are with the deserts, which can afford them shelter. This state of war was

kept up by the Lipan tribe until April last, when they came to San Fernando and concluded a peace with the alcalde of that town, which was subsequently approved by the citizen governor of Coahuila.

The commission is not yet aware of the causes which induced the Lipans and Mescaleros to cross the Rio Grande for purposes of peace, and perhaps it would be justified in supposing that their action boded no good either to our towns or to those of the American frontier. The evil disposition of these Indians has become well known by long experience, and forces the commission to pass this unfavorable judgment upon them. Another circumstance, that of their having made a friendly union with the Kickapoos, who were the chief perpetrators of the massacre of their tribe in 1856, gives rise to grave suspicions concerning the sincerity of their intentions, either as regards the Kickapoos, on whom it would not be unreasonable to suppose that they intended to take bloody vengeance, or as regards the people on both banks of the Rio Grande. The Mexican inhabitants of this side of the river having been at all times victims of the rapacity and treachery and ferocity of these savages, naturally distrusted their intentions when they proposed peace, and this explains the conditions imposed, viz, that they were to establish themselves near a town like San Fernando, in order to watch them, and that they were not to injure citizens of Mexico or those of the United States. Although the commission was surprised, at the time of the adjustment of the peace with the said tribe, that the governor of Coahuila approved it without giving previous notice to the supreme government, which alone has power to conclude such arrangements; and although it considered the policy of placing the Indians near the Rio Grande as being one of questionable wisdom in view of the charges which were made in Texas against them, and even against Mexico, it still did not think that these imprudent acts would cause an invasion of the national territory, although they thought that they might, perhaps, give rise to some complaints on the part of the American authorities, to which the Mexican authorities would certainly have given their prompt attention.

Hardly had the Indians been one month at El Remolino, when they were attacked by a force of five hundred men who had crossed the Rio Grande for the purpose, and who then returned without touching a single one of the Mexican towns, carrying with them the booty which they had taken. According to the best information in possession of the commission, the Indian camp had been removed on the day previous to a place near by, only a few families having remained at the place where the attack was made, and these were made prisoners by the American troops, who first killed six Indians whom they found there, not, however, until those six Indians had killed eight of their number, three blacks and five whites. Judging from the desperate resistance made by this small number of Indians, there is reason to believe that if the sixty or seventy Indians belonging to the camp had been there, the combat would have been a very bloody one.

The supreme government must now be aware that the Mexican authorities had no knowledge of what was going on until some hours after the attack, and that they were justly alarmed, not being aware of the intentions of the American forces; the fact, moreover, that these forces had entered the territory of Mexico without having given notice of any kind, seemed to them important. Their recollections of the fire at Resurreccion in November last forced them to adopt precautions. Nevertheless, tranquillity was soon restored, because it was ascertained that the attacking party had consisted of officers and men of the Regular Army, and that they had returned to their camp without doing any damage, and because they considered that the action of this force, good or bad, would be productive of good to those towns which cared not for the attack, but only for the violation of international usages and the lack of respect which they thought had been manifested by those who had thus entered the national territory without authorization.

After this surprise to the Indians, say the reports in possession of the commission, they conveyed their families to the mountains in Mexico, forty or fifty leagues from the river; the warriors, to the number of eight or nine hundred, have encamped at the head of the San Diego River, which is twelve leagues from its confluence with the Rio Grande, and likewise in the Remolino Cañon, which is situated at about the same distance from the Rio Grande; it should be borne in mind that the first-named point, on the San Diego, is opposite Fort Clark, whence Mackenzie's expedition started, and the second, *i. e.*, the Remolino Cañon, is opposite Fort Duncan.

The indignation of the Indians and their threats to avenge the blood of their friends and the capture of their forty women and children, who were carried off by the Americans, are depicted in very glowing colors by several citizens from that section, who regard the actions of the Indians, their encampment in their present position, and their other preparations as so many threats to the Americans, and as being fraught with danger to the Mexican frontier.

Perhaps the punishment inflicted upon the Indians at Remolino by the United States troops was not deserved by their recent acts, and perhaps this will increase their ire and precipitate their vengeance. The commission bases this opinion on certain data which

it has collected, in relation to depredations committed in Texas by the Comanches, although a great effort has been made in that State to cast the blame thereof on the Kickapoos or on the Lipans. The commission, not knowing whether the government of Coahuila has made any report concerning the attitude of the Indians, deems it its duty to state what that attitude is, since it undoubtedly requires the adoption of prompt measure inasmuch as many Indians, it is said, including some Comanches, daily congregate at the points above mentioned. The accounts published in the Texas newspapers confirm those of this side, and in view of this situation great anxiety is felt in the towns on both frontiers which should without doubt be quieted.

In making your report to the President, you will be pleased, citizen minister, to inform him that these statements are furnished in advance of the report to be made by the commission on closing its labors, because a situation is arising on the frontier, by reason of the large numbers of Indians collected there, who threaten to disturb the peace of that section. It has, moreover, seemed proper to give some account of the antecedents of the Kickapoos and Lipans, as well as of what really took place on the occasion of the attack on the 18th of May last by General Mackenzie.

Independence and liberty. Candela, July 2d, 1873.

J. GALINDO.

FRANCISCO VALDEZ GOMEZ,

Secretary.

To the Citizen MINISTER OF FOREIGN RELATIONS,
City of Mexico.

No. 495.

[Translation.]

Señor Mariscal to Mr. Fish.

LEGATION OF MEXICO,
Washington, May 5, 1874. (Received May 6.)

MR. SECRETARY: As long ago as last summer I received papers and urgent appeals to represent to the Government of the United States that great crimes were being committed in Sonora, in the Mexican Republic, by the tribe of Indians whose chief is one Cochise, and whose residence is in Arizona, on a reservation which borders on Mexico. Inferring, however, that the authorities at Washington had official knowledge of the facts, I refrained from taking this step, and confined myself to consulting my government, which, in its turn, did nothing, expecting that the Government of the United States would apply a remedy to so lamentable a state of things, which had been brought about by the conduct of its own agents. Nevertheless, no change in the situation has been observed as yet, nor does it appear that any effort has been made to improve it.

In view of these facts, my government has finally authorized me to call attention to the matter, hoping that, when all the facts which characterize it shall have been examined, effective measures will be adopted to prevent the State of Sonora from continuing to be the scene of the depredations of Indians who live under the tutelage of the United States.

Besides the information which is doubtless in possession of the Interior Department in relation to this matter, and probably in that of the War Department, I have seen in the documents on foreign relations, published with the last message of the President, that the Honorable Mr. Foster, in two successive notes, dated respectively August 15 and 27, 1873, informed you of the excitement occasioned in the Mexican press by the depredations to which I refer. For this reason I shall not dwell upon these crimes, or the causes which gave

rise to them. It will be sufficient for me to remind you that there has been correspondence in relation to them between Mr. Pesqueira, governor of the State of Sonora, and Hon. A. P. R. Safford, governor of Arizona Territory, and between the said Mr. Pesqueira and Brevet Brigadier-General George Crook. It seems to me unnecessary to inclose copies of all those letters, as the Government of the United States is undoubtedly aware of the nature of their contents. A portion of them has been published and commented upon by newspapers in this country, and I take the liberty of inclosing two articles from the *Daily Alta California*, regretting that the language therein used is not as respectful as it should be toward the Government of the nation. My only object in sending you these articles is to call your attention to the statements which they make as to the occurrences in Sonora, which statements are entirely true. The letters, moreover, which they contain are genuine. The one which is signed by Governor Pesqueira is an accurate translation from the original, which has been sent to me. I also have evidence of the genuineness of the letter which appears in the second article from the *Daily Alta California*. Subsequently to the date of that letter, viz, January 9, 1873, General Crook addressed another to Mr. Pesqueira on the 9th of February following, from which it appears that, notwithstanding his good intentions, he was unable to make Cochise behave himself by reason of obstacles which he had not foreseen. I inclose a copy in Spanish of this second letter.

I likewise inclose two slips from the official journal of Sonora, in which some account is given of the numerous crimes committed there by the Indians to whom I allude, and it appears that the marauders had in their possession articles from the United States, which make it evident that they belonged to the tribe in question.

Finally, I inclose an extract from a note addressed to my government, under date of December 31, 1873, by one of its official agents, who has been observing the occurrences in Sonora from near at hand, and who reports concerning the continuance of the hostilities of Cochise and his people, which have never ceased since their beginning.

I abstain from commenting upon the fact that these savages, who have been driven out of Sonora, have had a reservation assigned to them just on the border of that State, or upon the alleged circumstance that they have been excused from the daily roll-call, to which the Indians on other reservations are generally required to submit. There may be some explanation of this which will show the good intentions of the subordinate agents of the Government. What is hoped for from the Government of the United States is that the facts being known as they now are, together with their lamentable results, it will remedy the evil as speedily as possible for the sake of humanity, and in consideration of the friendly relations which unite the two republics.

I have, &c.,

IGNO. MARISCAL.

[Inclosure 1.—Translation.]

General Pesqueira to the Alta California.

URES, June 6, 1873.

EDITOR ALTA: I have received and read with much satisfaction your letter of April 15, and having information of your conscientiousness and acknowledged impartiality as a writer, I have ordered the collection of all the evidences of an official and private character within the reach of the government of Sonora, going to show that the Apaches, with whom peace has been made lately in Arizona, have committed numerous assassinations and depredations this year in Sonora, and they are inclosed to you.

HOSTILE APACHES DRIVEN FROM SONORA.

Among the papers sent you is a record of the murders committed by the savages and also a file of numbers of the *Estrella de Occidente*, official organ of the government of this State.

From the beginning of last year the government of Sonora being unable to submit longer to the barbarity and cruelty of these savages, and notwithstanding the part taken by the people of this State in the restoration of legal order, disturbed by the last insurrection, resolved at great sacrifices to keep the Apaches within bounds, and, thanks to the parties of national guards which traversed the country in every direction, these enemies, who had done so much damage to Sonora, were entirely expelled. In consequence of this steady and persistent pursuit, which did not even allow them time to prepare their mescal, which is their chief food, they retired to the neighboring territory. Although some of them solicited peace in Sonora it was denied them, on account of our long and bitter experience that these savages have no respect for their promises.

This policy explains the causes why there are no Apaches living in Sonora or Chihuahua, and the fact is attested by the national guards, who frequently and periodically examine the mountains and places in which the Apaches might seek shelter.

HOWARD'S TREATY.

Sonora had commenced to breath freely and trusted that this condition of affairs would be durable, by the co-operation of the vast forces of your great republic with the forces of our State, in continuing the same system of attack adopted here successfully, until the Apaches should learn the necessity of abstaining from their crimes.

This is no doubt the object of the enlightened Government at Washington, in spending large sums annually in Arizona; but General Howard did not understand the method of gaining it, for he granted peace to the Apaches, with privileges which a conquered power might grant, because of inability to help itself.

With reference to the treaty of peace made by General Howard with the celebrated Cochise, I do not know whether he granted to the latter the privilege of making war on Sonora, but from some of the documents inclosed to you, I infer that he did not, although the arrogant savage has claimed that he did. But if there was a prohibition, it is illusory and without effect, since Cochise and his tribe were placed beyond the jurisdiction of the forces of the United States, as you will see in the communication of General Crook, and thus they were exempted from the only method of enforcing a pact to keep peace with Sonora. Besides, they were placed on a reservation which borders on our country.

SAVAGE AUXILIARIES IN WAR.

It was certainly not the intention of the Government at Washington to give the Apaches facilities for making hostile incursions into Mexico, but it is certain that its agent did so. The laws of modern warfare do not justify the employment of savages who are regarded by the laws of nations as enemies of the human race. What, then, shall we say when the settlements of a friendly nation are exposed to the cruelties as horrid as any that can be practiced in war?

It is not strange that your conscience should have been aroused against Howard's course, and that the American people, jealous of their national honor, should demand, when the truth is known, that this most grand crime should end soon and forever.

REFERENCE TO THE DOCUMENTS.

From the papers which I inclose with this you will see the number of the victims known to the government of this State. You will also see from various private and official documents that no Apache or hostile Indians live in either Sonora or Chihuahua, and this fact may be proved, not only by the national guards but by many other persons. Consequently, all the Apaches who have lately murdered Mexicans have come from Arizona, needing only three hours to reach some of our settlements from the line.

Various articles of personal property of Mexicans murdered by Apaches have been found in the possession of Cochise's Indians, and parties of the national guards have repeatedly followed the Apache raiders beyond the line, in the direction of their homes, as you will see from the accompanying file of the *Estrella*.

I have thus answered your inquiry, and hoping that you will not cease in your labors in this matter, I am your servant,

I. PESQUEIRA.

[Inclosure 2.]

CAMP GRANT, *January 9, 1873.*

To His Excellency Ignacio Pesquiera, Governor of Sonora:

DEAR SIR: I have the honor to inform you that after the 20th instant I will compel the Indians in the southern part of this Territory, known as the tribe of Cochise, to

submit themselves to daily roll-call, and if they should refuse I will commence hostilities against them without delay. Knowing that these Indians have been a terrible scourge to your State, I take the liberty of requesting you to place strong detachments near the line, to prevent them taking refuge in Sonora if they escape the pursuit of our soldiers. Do me the favor to keep this secret until the date mentioned above.

Your obedient servant,

GEORGE CROOK,
Brevet Brigadier-General, United States Army.

[Inclosure 3.]

Lieutenant-Colonel George Crook to the governor of Sonora.

HEADQUARTERS CAMP GRANT,
Arizona Territory, February 9, 1873.

ESTEEMED SIR: Your favor of the 27th ultimo has been received. I regret that I am not authorized to hold the conference proposed by you. I must inform you that I have met with obstacles which I did not foresee when I wrote my last letter, and this circumstance prevents me from taking any further measures against the Indians until I shall have received additional instructions from my Government. When I shall have received such instructions, I shall have the honor to communicate them to you.

Very respectfully, your obedient servant,

GEORGE CROOK,
Lieutenant-Colonel Twenty-third Infantry.

His Excellency I. PESQUEIRA,
Governor of Sonora.

[Inclosure 4.—Translation.]

[From the Official Journal of Sonora.]

SAVAGE INDIANS.

MORE ROBBERIES AND MORE MURDERS.

Arizpe.—No depredations have been committed by the Apaches in this district during the first fortnight of the present month.

Magdalena.—The same may be said of this district, referring to the week which ended on the 12th, (July.)

Sahuaripa.—In this district the citizen prefect also reports that no damage was done by the Apaches during the week ending the 11th instant.

Moctezuma.—According to a report from the municipal president of Bavispe, two Apaches stole ten asses on the 28th of June last from the estate of Messrs. Samaniego, and Bustamante. The commandant of Bavispe was going to send ten men in pursuit of the Indians, but the president was unable to report the result.

The municipal president of Tepachi reports to the prefect of Moctezuma, under date of the 8th instant, that six Apaches, on the 4th, attacked the citizens Benito Chaves, Francisco Fimbres, and a companion. They killed Fimbres and wounded the companion, who died of his wounds the next day.

As soon as Chaves reached the highway he met twelve Mexicans, who accompanied him to the spot where Fimbres lay. They found the latter still alive, although he died a few moments after their arrival. The wounded companion, whose name was Ruiz, lay there also. As it was necessary to take up the body of Fimbres and the wounded man Ruiz, the party were obliged to return with them, reporting that the Apaches had escaped, running off the horses of Fimbres.

On the following day the authorities of Tepachi sent out a force of fifteen men in pursuit, but, rain having fallen during the night, the trail of the savages was destroyed, and the pursuing party were therefore obliged to return.

Eight days afterward the prefect was informed of this occurrence, but, in view of the time which had elapsed, he deemed it useless to send a force in pursuit of the savages.

Fimbres was a resident of Guásavas, and Ruiz of Los Bronces.

Magdalena.—In the official part of our paper we print in full a report of the prefect of this district. It will thereby be seen that among the articles that were abandoned

by the Apaches in their flight were three blankets, bearing the stamp of the Government of the United States, which fact furnishes unmistakable evidence that these Apaches were of the number of those who are at peace on the Arizona reservations, and who cross over into Sonora for the purpose of robbing and murdering.

Ures.—The citizen prefect of this district yesterday sent in the reports, which we condense below.

The municipal president of Rayon writes, under date of the 23d, that the Apaches stole ten horses at El Pima, on the 21st, from the citizen Guadalupe-Fernandez. The Indians were seen by some citizens of Rayon, but they were so well dressed, wearing black hats and overcoats, like those worn by the soldiers in Arizona, that they supposed them to be travelers from California. When, however, they saw them go in the direction of the mountains with the herd of horses, one of those who saw them notified the herdsman of Fernandez, who at once went out to reconnoitre, and reported, on his return, that they were really Apaches. Fourteen citizens organized at La Paz and started in hot pursuit, but as they had not yet returned on the 23d the result was unknown.

The municipal president of Opodepe says that on the 20th instant the Indians (Apaches) attacked Doña Maria Flores, who was on the Realito estate with another woman named Cecilia, and with her little son, ten years of age. The lady and her child were killed, and Cecilia received two wounds, but at the date of the report (23d instant) was still living. A force of thirty citizens started at once from Opodepe, and pursued the Indians until nightfall, when they were obliged to return for provisions. They were then joined by twenty-three more citizens, and started again, well supplied with provisions and munitions of war. They had not returned on the 23d, and the result of the chase was therefore unknown.

[Inclosure 5.—Translation.]

[Extract.]

Mexican Indian agent to Mexican minister of foreign affairs.

SAN FRANCISCO, December 31, 1873.

* * * * *

During this month advices have been received of the continuance in the State of Sonora of hostilities committed there by savage Indians from Arizona Territory.

It is known that many new-comers have settled on the reservation of Cochise's band, among them not a few individuals belonging to those bands whose settlements are at San Carlos, Jularosa, and White Mountain. Cochise accuses these of being the invaders of Sonora, declaring that he has no power to restrain them.

Mr. Delano, in his report of this year to Congress concerning the business of the Interior Department, which is under his charge, takes care not to mention the Arizona Apaches, thus giving ground for the belief that he does not propose to change the policy that has thus far been observed toward those Indians, notwithstanding the knowledge which he has of the depredations committed by them in Mexico. This unjustifiable persistence is vexatious to the republic. If the United States Government is powerless to prevent the outrages of its savage Indians in the neighboring country, it should remove them to a distance from the latter, but the fact is that it has not yet been shown that its efforts to restrain and punish them are unavailing, for the reason that it has made no efforts at all, hearing, perhaps, with contempt the complaints of our unfortunate people on the western frontier.

To the Citizen MINISTER OF FOREIGN RELATIONS,
City of Mexico.

NETHERLANDS.

No. 496.

Mr. Gorham to Mr. Fish.

No. 129.]

LEGATION OF THE UNITED STATES,
The Hague, March 12, 1874. (Received April 14.)

SIR: The most engrossing subject the Netherlands government has had under consideration for some time past, next to that of the war in

Sumatra, has been the question of changing the money system of the country.

In October, 1872, a commission was appointed to consider the change that was taking place in neighboring states by substituting gold for silver as currency, and to suggest such remedies as might seem expedient to counteract any influence prejudicial to the Netherlands likely to arise therefrom.

The commission reported in January of that year, recommending substantially the system in use previous to 1847; *i. e.*, one standard of silver and one of gold, with a relative value of 15.5 to 1. But in October, when the policy of Germany had become more apparent, the committee made a second report, in which they strongly urged the adoption of the gold standard only.

On the basis of the committee's second report the government, through the minister of finance, submitted to the Second Chamber a bill making gold alone the standard, and the gulden, or florin, the unit of account, 0.60561 grammes fine, valued, as against silver, at the rate of 1 to 15.604.

In supporting the bill the minister urged that silver was likely to depreciate in consequence of the amount being offered in the market. Germany was selling largely, and Belgium was preparing to do so, with an evident intention to discontinue its use as a standard of currency; that being *démonétisé* in neighboring states, it would naturally accumulate where it was legally recognized as the circulating medium, and that the Netherlands, already financially isolated, by adhering to their present system would experience a growing inconvenience from which relief would become more and more difficult.

On the other hand, objection was made that the bill did not apply to the colonies; that the old standard for them and a new and different one for the mother-country was equally unnecessary and unwise, and that it would be better to defer action until an expression from the colonies could be obtained.

The widest difference prevailed, however, in regard to the fineness of the contemplated issue. That proposed by the government corresponded neither with the Anglo-German standard nor the so-called Latin league, being above the one and below the other. Some of the members had weighty reasons for joining the first named, others were equally strenuous for conforming to the last, while not a few clung to the standard named in the bill, mainly, it would seem, because it was identical with or came nearest to one used by their fathers at some former period.

Having repeatedly discussed the project, and lastly for a number of days in succession, it was finally resolved to divide article 1 so that the sense of the chamber might be taken on the proposition to introduce a gold standard and on the rate of alloy separately, and that the second should be the first tried.

Accordingly, after several amendments had been offered and rejected, the question of alloy was put to the test; 29 voted for it and 40 against it. On learning the result, the minister immediately withdrew the bill, observing that further discussion would be of no avail. There is therefore little probability of an immediate change in the monetary system of the Netherlands.

I am, &c.,

CHARLES T. GORHAM.

No. 497.

Mr. Gorham to Mr. Fish.

No. 131.]

LEGATION OF THE UNITED STATES,
The Hague, March 28, 1874. (Received April 21.)

SIR: When war was declared by the Netherlands government against the Sultan of Acheen it was urged, as I had the honor to inform you at the time, that His Majesty was willfully disturbing the territorial relations of the Dutch, that he was unfaithful to treaty obligations, that all attempts to secure friendly intercourse through peaceful means had proved abortive, and that the maintenance of authority in the Netherlands East Indies depended on the ability and disposition of the government to assert it in the punishment of the Acheenese.

In the spirit of this conclusion an expedition was ordered. Its first attempt was a failure, as will be remembered. The second, under a different commander, had invaded the country and placed itself in a position to dictate terms to the enemy, and the question of importance now under consideration by the government relates to the disposition of the country and its troublesome inhabitants. Shall the people be charged with the expense of their chastisement and let off on its payment and a promise of better behavior in future, or shall their country be annexed to other possessions of the Dutch and themselves restricted henceforth to limited rights as colonial subjects?

On the 21st instant Mr. Van Vollenhoven, member of the second chamber of the States-General, by permission of the chamber, put to Mr. Van de Pulto, minister of colonies, the three following questions, viz:

I. How does the government provide for the pecuniary necessities of the war?

II. What is the object aimed at?

III. What are the intentions and purposes of the government for the future?

The minister replied that, in regard to the first question, he had the satisfaction of knowing that the surplus to the credit of the East Indies colonies, on the 31st of December last, amounted to 39,000,000 of florins, and that up to that period a trifle under 14,000,000 had been expended in the prosecution of the war, leaving over 25,000,000 to be used if need be. He hoped the whole sum would not be exhausted by the requirements of the service, but added that it would be if necessary, and more besides, as it was the purpose of the government to prosecute the war to a satisfactory conclusion.

The number of enlisted men sent from the Netherlands the minister gave as 3,930. The casualties of the last campaign had not been fully reported to the government.

In responding to questions II and III the minister said, in substance, that in the beginning the intention of the government, as repeatedly communicated to the States-General, was to conclude a treaty with the Sultan, maintaining the integrity of his country. Accordingly the effort was to strengthen his authority as much as possible in order to prevent a dismemberment of his country. But subsequent events, and the conviction that the Sultan is a weak, inefficient, dependent prince, have led General Van Swieten, Governor-General Loudon, and the ministry also, to conclude that the true policy of the Dutch demands entire authority regardless of the Sultan, who, under the circumstances, is un-

worthy of consideration. He refused to negotiate when he could have done so, and through his perfidy a Dutch envoy had lost his life.

At the conclusion of his remarks the minister placed at the disposition of the chamber a large number of dispatches and documents relative to the war, which till then had been kept from the public; some were still withheld on the score of expediency.

Among those published in the government organ I notice a proclamation issued by General Van Swieten, styling himself "lieutenant-general, commander-in-chief, and plenipotentiary of the Netherland India government," dated Penogoeny, January 31, 1874, in which he proclaims the army beaten, the Kratow taken, the Sultan* dead, and the country, by right of conquest, a possession of the Dutch East India government, and he exhorts all the inhabitants thereof to submit to his authority.

There is also published a copy of a letter from the commander-in-chief to the hoeloebalangs (chiefs) of some of the most important districts, under date of February 2, 1874, in which he assures them that he is prepared for any emergency possible for them to devise; that he had remained inactive for a time in the hope that they would consider their circumstances and act accordingly; that the government would disapprove of any attempt on the part of the people to elect another Sultan, and would entirely disregard him, as such, if elected.

Also, a letter from the general to the governor-general, dated February 4, 1874, giving further details of the situation, and complaining that intercourse with the people was becoming less and less friendly.

On motion of Mr. Mustrass, member of the opposition, it was resolved to postpone any further consideration of the subject until a re-assembling of the chamber after the Easter holidays.

I will only add that, in the opinion of some, the interpellation has laid the foundation for an overthrow of the ministry. In such conclusion, however, I do not share.

The expense of the war is somewhat galling, but its prospective results are agreeably contemplated by a majority of the people.

I am, &c.,

CHARLES T. GORHAM.

No. 498.

Mr. Fish to Mr. Gorham.

No. 100.]

DEPARTMENT OF STATE,
Washington, April 16, 1874.

SIR: Your dispatch, No. 130, relating to the demand by Belgium for the extradition from Holland of Adolph Schmiderberg, has been received. In addition to the instruction in my No. 99, the perusal of your No. 130 induces me to point out to you the propriety of inquiring, with some particularity, when and where Schmiderberg was naturalized as a citizen of the United States, of ascertaining whether he has a certificate of naturalization, how long he resided in the United States before obtaining it, how long he has resided away from the United States since obtaining it, what his pursuits in Europe have been, and what evidence there is of an intent on his part to return to this country.

* Reported dead, but was found afterward preparing for another battle.

The criminal law of this country asserts jurisdiction over all offenses committed within the territorial limits of the State or Territory enacting the law, but over no crimes committed beyond it. An American citizen, therefore, committing an offense in Europe, cannot be punished for that offense by the infliction of any punishment under American laws, and will escape punishment altogether if he can claim the protection of his Government against a demand for extradition.

On motives of general policy it would not be thought worth while to authorize any intervention in favor of a criminal in such case, even if he were a native-born citizen. In the case of a naturalized citizen, the representative of the Government should further inquire whether he be a *bona-fide* naturalized citizen, and whether he has done any act indicating a purpose to forfeit his acquired citizenship.

In the present case the Department, referring to its former instructions, confides in your discretion and good judgment.

I am, &c.,

HAMILTON FISH.

No. 499.

Mr. Gorham to Mr. Fish.

No. 136.]

LEGATION OF THE UNITED STATES,
The Hague, April 25, 1874. (Received May 19.)

SIR: On the 25th ultimo, in my No. 130, I gave you some account of what had then recently transpired in the Second Chamber of the States-General relative to the war in Acheen, noticing events in that connection up to the adjournment for the Easter holidays.

I now take occasion to transmit a summary of expressions on the same subject, so far as made in open session, which followed the re-opening on the 16th instant.

In order that papers withheld by the government, as well as those submitted previous to the adjournment, might be at the disposition of the Chamber, it was resolved to go into "general committee," (secret session,) so that what transpired during the first four days is little more than conjectural to the general public. But as the plea for secrecy was urged on the ground that a portion of the papers related to matters of an international character, I am strengthened in the conviction that the ministry has been more than willing from the first that members of the legislature should get an impression that foreign powers, particularly that of the United States, had an eye to the commerce of Acheen, and that great haste was necessary on the part of the government in order to forestall combinations liable to be made prejudicial to its colonial policy in the East.

Great significance, I know, has been given to the early doings of our consul at Singapore and also to the letter of Admiral Jenkins. Whether equal distrust of any other power has been felt or expressed I do not know; but that the fancied intentions of foreign governments were considered at great length in their secret deliberations, and claimed by the government in justification of an early declaration of the war, I have sufficient evidence to believe.

On re-opening the Chamber to the public, it was immediately observed that the tone of the opposition had been materially modified during the period of seclusion. One of its members took early occasion to remark, that though the discussion had been long and animated, the result had

not been unfavorable to the administration. He concluded his remarks, however, by putting to the minister of colonies the following questions:

I. Is your decision to bring the empire of Acheen under the direct supremacy of the Netherlands—is this decision irrevocable or is it not?

II. If yes, will a third expedition be necessary?

III. Do you consider yourself strong enough, both in the army and navy, to enforce annexation?

IV. What pecuniary advantage to this country do you expect from annexation?

These questions, as will be observed, were not immediately noticed.

The next speaker blamed the government for making no better preparation for the war after knowing it was inevitable. Another complained of the obligation of secrecy imposed upon members. "Formerly," he said, "we had to say we 'Know nothing'; but now, while knowing all, are allowed to say nothing."

Mr. Van Houten, a young member of the advanced liberal party, thought the government had done its duty. "Treaty obligations to England imposed the duty of preventing piracy in the Indian Sea about Acheen. In the last year the government has moved quicker; perhaps a little too quick. The East India government became afraid of the machinations of the Acheenese and had needlessly alarmed the home government."

As to any foreign government interfering with their relations with Acheen, he wished "the government had expressed a disbelief, in the language of General Grant, who, on being told during one of his great battles near Richmond that his line was broken, answered, 'impossible.'"

Too much importance had been given, he thought, to rumors of interference. "The Netherlands sea-police," he said, "extends over the whole archipelago, and when anything goes wrong there complaint is made to this country, but not to Italy, Turkey, or America." He thought "a nation sometimes had rights in the absence of direct authority." America had organized territorial governments regardless of Indian tribes inhabiting the country and claiming it as their own, and would be very unwilling that a foreign government should make treaties with those tribes or in anywise hinder the conversion of their hunting-grounds into corn-fields for the greater benefit of mankind.

As to the future, the same speaker thought the government could not desist until its authority has given to navigation and commerce security against piracy in all that part of the Indian Sea. A combination of dissentients might overthrow the ministry, but he felt sure that the material was wanting for a new one of equal force.

Mr. Gratama, liberal, defended the government, and favored annexation.

Mr. Insinger, conservative, claimed that the ministry had not the full confidence of the people or of their representatives, but that a motion of distrust would be inopportune, and he had, therefore, no intention of applying the test.

Admiral Fabius, conservative, was opposed to annexation. France wanted to annex Mexico, and what was the result? The policy was bad, and he hoped the government would come to that conclusion.

Baron Gericke, minister of foreign affairs, claimed that if the government communicated a portion of its correspondence under an injunction of secrecy, it was more for the welfare of the country than for the conservation of the cabinet. He alluded to negotiations opened at Singa-

pore, meaning, no doubt, what I have before referred to, but claimed that they had not influenced the course of the government.

Mr. Van de Pulto, minister of colonies, after replying to several members who had spoken in the interest of the opposition, came to the interrogatories of Mr. Heydensyck, noticing particularly only the first. He said, in substance, that annexation would be enforced only when there shall be no other way to obtain what must be obtained. He concluded by urging the opposition, if still dissatisfied, to press the cabinet question.

Many others participated in the discussion, some for and some against the administration. The result must have been gratifying to the ministry, composed, in my judgment, of very excellent men.

I have, &c.,

CHARLES T. GORHAM.

No. 500.

Mr. Gorham to Mr. Fish.

No. 142.]

LEGATION OF THE UNITED STATES,
The Hague, May 25, 1874. (Received June 15.)

SIR: The national fête commemorative of the coronation of William III, on the 12th of May, 1849, has had such an absorbing interest throughout the Netherlands during the last two weeks that little has transpired unconnected with some demonstration of loyalty to the House of Orange.

Amsterdam, being the capital and the city where His Majesty was crowned, was naturally designated as the place where the ceremonies incident to the twenty-fifth anniversary of the event should be observed.

At 10 o'clock on the morning of the 12th the King and Queen, the Prince of Orange, Princes Alexander, Henry, and Frederick, the Grand Duke of Saxe-Weimar, and the Grand Duchess, (King's sister,) a large number of courtiers, cabinet ministers, the corps diplomatic, and many others, titled and untitled, assembled at the "new church" for the observance of such ceremonies as had been prepared for the occasion.

After the performance of a grand cantata came a succession of felicitations to His Majesty; first by the two Chambers of States-General; afterward by the mayor and council of Amsterdam, the governors of the different provinces, and other civil and municipal organizations, all breathing a spirit of loyalty, but of manly independence.

At the conclusion of his address the burgomaster of Amsterdam presented to His Majesty an elegant portfolio, containing a national gift of 100,000 florins, with the names of the contributors, which was graciously acknowledged, and immediately set apart by His Majesty for the benefit of the disabled in the war of Acheen. This popular announcement was greeted with loud huzzas, and cries of "Vive le Roi," interrupted only by the louder cries of the King, of "Vive la Nederland," and this was instantly seized as the key-note to a still wilder enthusiasm.

At the conclusion of the services at church the royal family returned to the palace, near by, where they were soon joined by the Czar of Russia, who had come to congratulate in person his royal cousin.

A marked feature in the programme of the day was a lengthy cavalcade, historical and allegorical, gotten up at great expense, in illustration of important periods in Netherland history between the beginning of the sixteenth century and the French revolution.

A banquet at six, followed by a general illumination and pyrotechnic display, concluded the public demonstrations of the day.

On the 15th the royal family returned to the Hague, where their reception was all they could have desired. On the 19th they participated at a banquet given by the city authorities, and at which the king responded at considerable length to a toast offered by the burgomaster, and with marked oratorical ability.

On the 21st the jubilee was observed at Rotterdam. The weather was propitious, the people full of loyal enthusiasm, and the display such as rarely occurs with a people not more demonstrative than the Dutch are reputed to be. There was an evident effort to rival what had been done elsewhere, and it might be unjust to say that it failed of success.

Yesterday the king retired to the Loo, where he was welcomed with extraordinary tokens of respect.

Politically the whole has been interesting. At Amsterdam, at the Hague, at Rotterdam, all seemed in accord. Every house was illuminated, each displayed national and dynastic colors, and everybody appeared anxious to add *éclat* to the occasion. A few insist that it is not the King, but the dynasty of Orange-Nassau that excites the homage of the people; that no recognized head of this venerable house could receive less; and that out of the line of William the Silent no king would be possible with this people.

That an almost superstitious veneration is cherished by Hollanders for the dynasty under which they live there is no doubt, neither should there be respecting the popularity of their reigning sovereign. His policy is peaceful and the country has prospered under his rule. The people govern themselves, in fact, and the King is willing they should, so long as they do not run after strange gods or trespass on the prerogatives of the Crown. And I have little doubt, should he submit his kingship to popular vote, that he would be re-elected to reign over the Netherlands by a majority little short of the whole number of voters in the realm.

In conclusion, judging from what has passed under my observation from time to time, especially of late, I believe it fair to assume that no people come nearer being satisfied with their country, their government, their sovereign, and themselves, than the inhabitants of this busy little kingdom.

I am, &c.,

CHARLES T. GORHAM.

No. 501.

Mr. Westenberg to Mr. Fish.

LEGATION OF THE NETHERLANDS,
Washington, November 5, 1873. (Received November 6.)

MR. SECRETARY OF STATE: I have been instructed by my government to address your excellency requesting you to be pleased to furnish me with some information touching the nature and sense of a stipulation inserted in several extradition treaties which have recently been concluded by the Government of the United States.

It is provided in these treaties that the extradition can take place only "when the fact of the commission of the crime shall be so estab-

lished as to justify their apprehension and commitment for trial if the crime had been committed in the country where the persons so accused shall be found, in all of which the tribunals of said country shall proceed and decide according to their own laws." This stipulation is not found in the treaty between the Netherlands and the United States, which was signed August 21, 1857, the ratifications of which, however, have never been exchanged, and which has consequently never gone into effect.

My government would now be glad to be informed, 1st, whether the meaning of this stipulation is that, in order to obtain the extradition of an accused person, it is necessary to transmit the depositions made under oath by the witnesses, before the judge conducting the preliminary proceedings, as is required in England; 2d, what may have been the reason why this stipulation, which is found in all subsequent treaties concluded by the United States, was not inserted in the one concluded with the Netherlands in 1857; 3d, whether there exists, in the United States, any uniform criminal procedure; that is to say, whether the same laws and rules are in force in relation to criminal procedure in all the States, or whether the laws concerning such procedure are different in the different States.

Offering your excellency my thanks in advance for such information as you may be pleased to give me upon these various points, I avail myself of this occasion to renew to you, Mr. Secretary of State, the assurances of my very high consideration.

WESTENBERG.

No. 502.

Mr. Westenberg to Mr. Fish.

[Translation.]

LEGATION OF THE NETHERLANDS,
Washington, November 10, 1873. (Received November 11.)

MR. SECRETARY OF STATE: By my communication of the 19th of February last I had the honor to inform your excellency of the adoption, by law, of a new tariff of import and export duties for the Dutch East Indies, whereby discriminating duties are to be abolished in principle from January 1, 1874, and whereby, moreover, all import duties which are henceforth to be uniform are, with few exceptions, to be reduced to the moderate rate of 6 per cent. ad valorem, while the export duties which are levied upon indigo, coffee, sugar, and tin, when shipped to foreign countries, have been considerably reduced.

On that occasion I transmitted to your excellency a copy of this law,* promising to send an official translation at a future time.

In informing your excellency of these new regulations, so eminently liberal, which had been adopted by the government of the Netherlands, I expressed, in its name, a feeling of confidence that the Government of the United States would be disposed to abolish in favor of the Netherlands the discriminating duty of 10 per cent. which is levied in the United States upon productions from countries lying east of the Cape of Good Hope, and imported into America indirectly from European ports.

I added that the government of the Netherlands thought itself the

* See report on Commercial Relations for 1873, page 881.

more entitled to hope that the Government of the United States would grant this abolition in its favor, inasmuch as its confidence was based, first, upon the treaties in force between the two countries, and especially upon article 5 of the additional convention of August 26, 1852, and upon the great principles of reciprocity which the United States observe as their rule of conduct.

I took the liberty of remarking to your excellency, at the same time, that the reason why the Dutch law of November 17, 1872, was not to take effect until January 1, 1874, was that the government of the Netherlands desired to be able to abrogate its liberal measures in case other governments should not be disposed to grant the reciprocity which the government of the Netherlands thought it might expect in this matter, a reciprocity which can but favor and advance the real interests of mutual commerce and navigation.

In the reply with which your excellency honored me, under date of February 28, you informed me that the question would be taken into due consideration as soon as I should have sent you an official translation of the said tariff.

In accordance with this desire, I sent, with my communication of the 9th of April last, an English translation of the tariff prepared for commercial purposes. I now take the liberty of again presenting this question to the attention of your excellency, in order that, by a favorable decision, American commerce may be enabled to profit, without delay, by the advantages which will accrue to it from this tariff, and to this effect I have the honor to send inclosed a translation of the tariff in the French language, published under the immediate auspices of the government, which can therefore be considered entirely official.

Hoping to be honored with a reply, I avail myself of this occasion to offer you, Mr. Secretary of State, the renewed assurances of my very high consideration.

WESTENBERG.

No. 503.

Mr. Fish to Mr. Westenberg.

DEPARTMENT OF STATE,

Washington, November 12, 1873.

SIR: I have the honor to acknowledge the reception of your note of the 5th instant, making inquiries respecting a certain stipulation supposed to have been inserted in several extradition treaties which have been recently concluded by this Government.

It is believed that you are under a misapprehension in supposing that the provision, as cited in your note, has been inserted in many of the treaties of extradition which this Government has entered into with other powers, or that it has been inserted in any of those recently entered into. I am under the impression that it is to be found in only three of the treaties of extradition concluded by the United States, and in none concluded within the last six years. No question has been raised by either of the governments with whom treaties have been entered into containing the stipulation, cited in your note, as to its import. I abstain, therefore, from speculating in the abstract upon provisions of detail in treaties of extradition existing between the United States and other countries. It will, as I hope, meet the object of your inquiry

on this point to say that, in every treaty of extradition, the United States insists that it can be required to surrender a fugitive criminal only upon such evidence of criminality as, according to the laws of the place where he shall be found, would justify his apprehension and commitment for trial if the crime had there been committed.

The second question which you propose is, what may have been the reason why the stipulation which you cite, and which you erroneously think is found in all extradition treaties of this Government concluded since August 21, 1857, was not inserted in the projected treaty signed, but not exchanged, between the Netherlands and the United States in 1857. Governor Marcy and General Cass, who were, pending the negotiations on this question, the Secretaries of State, and under whose directions they were conducted, have been dead for several years, and it does not appear from the correspondence in this Department that the provision cited by you was at any time under consideration.

The negotiations appear to have been conducted at the Hague; and unless the records of the ministry there, or possibly the recollection of the distinguished gentlemen who conducted the negotiations on the part of the Netherlands, (if Mr. Van Hall be still living,) can furnish the answer to the question why the stipulation to which they did agree was introduced instead of one which does not appear to have been proposed, I shall have to regret the inability of this Government to aid in the solution of the question which you raise.

In reply to your third question, "Whether there exists in the United States any uniform criminal procedure, that is to say, whether the same laws and rules are in force in relation to criminal procedure in all the States, or whether the laws concerning such procedure are different in the different States," I have to say that the criminal code of the United States applies only to offenses defined by the General Government, or committed within its exclusive jurisdiction, or upon the high seas, or some navigable water, and that each State establishes and regulates its own criminal procedure, as well with respect to the definitions of crimes as to the mode of procedure against criminals and the manner and extent of punishment.

Accept, &c.,

HAMILTON FISH.

No. 504.

Mr. Fish to Mr. Westenberg.

DEPARTMENT OF STATE,

Washington, December 31, 1873.

SIR: Referring to your notes of the 19th of February and the 10th of November last, both of which were submitted by this Department to the Treasury Department, I have now the honor to inclose a copy of a letter from the Secretary of the Treasury, of the 22d instant, in which he states that before considering the question raised by you it will be necessary to be informed whether, by the language "*les droits différentiel sont abolis en principe à partis du 1^{er} Janvier, 1874,*" it is to be understood that all such duties are to be actually and in fact abolished. It also appears by that letter that the Treasury Department desires to be informed whether the government of the Netherlands claims the exemption of tea and coffee from the discriminating duty levied by the Gov-

ernment of the United States in pursuance of article 5 of the convention of August 26, 1852, or whether it proposes for the consideration of this Government the abolition of all discriminations as against East India goods on the part of such country toward the other, as a question of international policy and comity outside of any treaty obligations?

I take the liberty of asking your excellency to enable me to respond to these inquiries of the Treasury Department, and avail, &c.

HAMILTON FISH.

[Inclosure.]

Mr. Richardson to Mr. Fish.

TREASURY DEPARTMENT,
Washington, D. C., December 22, 1873.

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant, inclosing a copy in translation of a note of the 10th ultimo from the minister of the Netherlands, presenting for the consideration of the United States Government the question of abolishing discriminating duties on goods the product of countries east of the Cape of Good Hope, imported from places west thereof, so far as such discrimination may operate directly against the commerce of the Netherlands.

Before considering the question raised in this correspondence, this Department desires to be informed whether, by the language employed in said note of his excellency, the minister, that "discriminating duties are to be abolished *in principle* [by the Dutch government] from January 1, 1874," it is to be understood that all such duties are to be actually and in fact abolished.

This Department also desires to be informed whether the government of the Netherlands claims the exemption of tea and coffee from the discriminating duty levied by the Government of the United States, in pursuance of article 5 of the additional convention of August 26, 1852, between the two countries, or whether it proposes for the consideration of this Government the abolition of all discriminations as against East India goods on the part of each country toward the other, as a question of international policy and comity outside of any treaty obligations.

Requesting that you will procure the information desired, if practicable,

I am, &c.,

WM. A. RICHARDSON.

No. 505.

Mr. Westenberg to Mr. Fish.

[Translation.]

LEGATION OF THE NETHERLANDS,
Washington, March 11, 1874. (Received March 14.)

MR. SECRETARY OF STATE: I have had the honor to receive your excellency's note of the 31st of December last, inclosing one from the Secretary of the Treasury, in relation to the abolition, by the American Government, in favor of the Netherlands, of the discriminating duty of 10 per centum, which is now levied upon the productions of countries lying to the east of the Cape of Good Hope, when brought to America indirectly from European ports, which abolition is asked for in consideration of the abolition by the government of the Netherlands of the discriminating duties which have hitherto been levied in the Dutch East Indies, and of the general reduction of import and export duties in those possessions.

Your excellency desires to be informed whether, by the words "discriminating duties are to be abolished *in principle* on and after January 1, 1874," it is to be understood that all duties of this nature are henceforth *de facto* and really abolished; and moreover, whether the government of the Netherlands asks the United States to abolish the discriminating duties on tea and coffee, basing its request upon article 5 of the

convention of August 26, 1852, or whether it asks the abolition of all discriminating duties in general which are now levied upon East Indian productions, "as a question of international policy and comity outside of treaty obligations."

I have deemed it my duty to refer to my government, in order to be able to give your excellency a satisfactory reply to these questions.

As regards the first question, I hasten to inform you that, on the 1st of January last, all discriminating duties were really and actually abolished in the East Indies, and that the advantages accruing therefrom are granted provisionally to the American commercial flag, in the legitimate expectation that the United States will, on their part, desire to abolish the discriminating duty of 10 per centum now levied upon East Indian productions when brought to America via Dutch ports in Europe.

It is to be understood by the term *in principle*, that the abolition by the Netherlands of discriminating duties in the East Indies, although it has already been provisionally granted, in accordance with the liberal policy of the government of the Netherlands, has only been so on condition of reciprocity. Should this reciprocity not be granted, the government of the Netherlands reserves the right to re-establish the discriminating duties.

As regards the second question, the government of the Netherlands does not base its request exclusively upon the fifth article of the convention of August 26, 1852, and it is, moreover, unnecessary to appeal to ideas of "international policy and comity."

The government of the Netherlands, in making this request, does, indeed, take the fifth article of the convention of August 26, 1852, as its point of departure, but it regards the question as purely one of reciprocity, based as much upon the principles which were observed at the time when our treaties of commerce with America were concluded, as upon the principles which govern the commercial relations of the United States with other nations.

It is, therefore, essential not to lose sight of the fact that the point in question is by no means a *favor* to be granted to the Netherlands, but an *equivalent* for the advantages granted to America, which advantages, resulting from the provisions of the new East Indian tariff, are multi-form.

In view of these considerations, your excellency will, I hope, be convinced that no other government could be permitted to ask for the abolition of the discriminating duty of 10 per cent. aforesaid gratuitously, basing its request simply upon the condition of the usage of the most favored nation, granted to it by treaty. I may also add that, in general, the levying of discriminating duties seems to have always been regarded by the Government of the United States as a retaliatory measure, as appears from the negotiations for the convention of August 26, 1852, between the Netherlands and the United States, at which time duties of this nature were not levied in America.

The stipulation proposed at that time in the Dutch draught, viz, "the privilege granted to the Netherlands by the present tariff-act of the United States, as to coffee, the growth or production of the possessions of the Netherlands, imported from the Netherlands, is continued," was rejected by the Government of the United States, on account of the discriminating duties then levied in the East Indies.

Although no discriminating duties were then levied in America, the Government of the United States desired to reserve the right to introduce them, in order thus to exercise a certain pressure upon the govern-

ment of the Netherlands. I refer, as regards these negotiations, to the notes of the Treasury Department of January 12 and June 12, 1852.

Finally, I take the liberty to remind your excellency that, quite recently, discriminating duties were established in America on goods imported under the French flag, in retaliation for a similar measure adopted by the French government, and that, as soon as France had abrogated this measure, the United States in turn abolished the discriminating duties referred to.

It cannot but be regarded as evident that, in accordance with these principles and these precedents, the abolition of discriminating duties on goods shipped *in transitu* from one of the contracting parties should be considered as the natural and just consequence of the abolition, in its favor, of the discriminating duties levied upon goods produced by the other contracting party.

While taking the liberty to commend the foregoing to the kind attention of your excellency, I entertain at the same time the confident hope that you will appreciate, in the explanations asked for by you, the justice of the arguments used for the abolition, in favor of the Netherlands, of the said discriminating duty of 10 per cent. upon the productions of countries lying to the east of the Cape of Good Hope, and brought to America indirectly via Dutch ports in Europe, and that you will therefore recommend to the Congress of the United States the adoption of this measure, which is a matter of reciprocal interest, and one of importance to American commerce.

I avail, &c.,

WESTENBERG.

No. 506.

Mr. Westenberg to Mr. Fish.

[Translation.]

LEGATION OF THE NETHERLANDS,

Washington, March 11, 1874. (Received March 14.)

MR. SECRETARY OF STATE: Although the relations of commerce and transactions of all kinds are constantly becoming more and more multiplied and intimate among nations, and furnish every reason for the belief that their subsequent development will be uninterrupted, their growth is, nevertheless, retarded by the circumstance that, in consequence of the exclusive autonomy of the different countries, the decisions of the courts of one country are generally null and void in another. Notwithstanding the rapidity of communication, and the reciprocity of interests, a state of insecurity, of moral isolation, is the consequence. Various measures have been projected for the purpose of obviating these difficulties, and a convention was even concluded, in 1869, between France and Switzerland, providing for the execution, in certain cases, of the decisions of the respective courts in the two countries reciprocally. This attempt, however, has thus far remained an isolated one.

The government of the Netherlands, being convinced of the utility, as well as of the necessity, of measures of this nature, which are required not only by the relations of neighborhood, but by the general interest, and desiring to contribute towards rendering them effective, has deemed it its duty to take the initiative in inviting other governments to come to an understanding upon a basis of common action, for the adoption of

measures which might be taken for the purpose of attaining desired results.

The government has, therefore, first addressed me a dispatch to this effect, a copy of which I am instructed to send to your excellency, and to which I add a memorandum which accompanied it.

In transmitting them herewith, I take the liberty of specially commending the propositions therein contained to the enlightened judgment of your excellency.

I flatter myself that the American Government, which, in view of the extended relations of the United States and of their peculiar situation, which renders them, so to speak, neighbors of the whole world, has as great if not a greater interest than any other nation in coming to an understanding with regard to measures of such essential and general utility, will appreciate this step of the government of the Netherlands, and that I shall, in consequence, be honored with a reply on this subject, which I shall transmit to the government of the King.

I avail myself of this occasion to renew to you, Mr. Secretary of State, the assurances of my very high consideration.

WESTENBERG.

[Inclosure.—Translation.]

Mr. Gericke to Mr. Westenberg.

THE HAGUE, February 20, 1874.

MR. MINISTER: I have the honor herewith to send you a memorandum in which I have endeavored to show how desirable it would be for the conclusion of arrangements relative to the reciprocal execution of judicial decisions pronounced in civil and commercial cases to be rendered possible, or at least facilitated, by the adoption, on the part of the governments interested, of uniform rules in regard to judicial competence, *ratione personæ*. An examination of the competence of the judge who rendered the decision is the first and most essential condition for which each government will desire to stipulate in declaring executory such decisions as have been pronounced outside of the limits of its territory by virtue of laws different from those by which it has endeavored to secure a proper administration of justice.

The difficulties which result from the diversity of laws existing on the subject of competence, *ratione personæ*, present the same obstacles to all governments, which, like that of the Netherlands, recognize the necessity—daily becoming more apparent—of abandoning the system of exclusion, which interdicts, or at least surrounds with impediments resembling an interdiction, the execution of judicial decisions rendered in a foreign country, and which desire to conclude treaties designed to remedy these evils. The advantages that would result from the adoption of uniform international rules concerning judicial competence, *ratione personæ*, would be the same for all. In order to attain this end, which consists in rendering possible, by this adoption, the conclusion of conventions regulating the reciprocal execution of decisions pronounced in civil and commercial cases, the government of the King thinks that the best way would be to confide this important and difficult matter to an international commission, whose duty it should be to draw up a body of rules which the governments interested should pledge themselves to introduce into their legislation or to follow in their treaties. As to the composition of this commission, the government of the Netherlands has thought proper to address in the first place the neighboring states, with which it has a direct interest in concluding treaties on this subject; secondly, those whose laws are sufficiently similar to those of the Kingdom to enable it to hope that it will not be very difficult to come to an understanding with them; and, finally, those by which negotiations on the subject have already been proposed. It has, therefore, addressed direct proposals to the governments of Germany, England, Austria, Belgium, France, and Italy.

I need not add, Mr. Minister, that the government of the King would be very glad to see those principles which, through the labors of the conference might be sanctioned by conventions, become the basis of a more general understanding, and obtain, in like manner, the approval of other governments. As a matter of course, also, in case those governments should desire to be represented at the conference in question, the government of the Netherlands would gladly welcome the delegates whom they might be pleased to select.

You will be pleased, Mr. Minister, in handing the inclosed memorandum to his excellency, to read this dispatch to him, and to leave a copy of it in his hands. You will

also endeavor to set forth in a clear light the circumstances, above referred to, which have guided the government of the King in its determination to invoke, in the first place, in the interest of the result to be obtained, the co-operation of the above-named governments, without, however, in any wise intending to exclude a wider participation in the labors of the conference. If, therefore, the American Government desires to be represented in the commission which is to be appointed for the purpose of adopting a basis of future international legislation in regard to judicial decisions rendered in foreign countries, I shall be most happy to be informed, as soon as possible, of the name of the delegate whom it may select.

The government of the Netherlands, in taking the initiative in a step which it deems eminently useful in the interest of the demands created by the constant progress of international relations, hopes that its proposal will be favorably received by the governments interested, and would be glad to have the commission hold, at the Hague, or at some other city of the Netherlands, a preparatory meeting for the purpose of securing a beneficial result of such other meetings as may subsequently be deemed necessary.

Be pleased, &c.,

L. GERICKE.

[Subinclosure.—Translation.]

MEMORANDUM.

The effect and authority of judicial decisions rendered in civil and commercial cases are, as a general rule, confined within the limits of the country in which they were pronounced; so that in every other country they are null and void. In countries in which an exception is made to this rule, that is to say, in which the laws recognize judgments rendered in a foreign country as possessing more or less authority, their execution is made subordinate to such restrictive conditions and to so complicated a procedure, that the advantage which the laws of such countries present above those of other countries is, in reality, more apparent than real, and almost always null in practice.

The necessity of replacing this restrictive system by the adoption of rules better suited to the needs of the present day, is daily becoming more evident.

The extension of international relations of all kinds, the improvement and the multiplication of the means of transportation and communication, have, by facilitating the removal of individuals and of fortunes, and by giving a truly cosmopolitan character to commercial and industrial relations, rendered most desirable the adoption of a reform based upon the solidarity of the interests of all civilized nations.

The rapidity with which it is now possible to travel from one end of the world to the other is by no means in harmony with the tardy movements of judicial decisions, which, in principle, do not go beyond the frontier of the country in which they were rendered.*

The question has been the subject of extended discussions in international congresses which have met for the promotion of the social sciences, as well as of careful consideration in the writings of jurists and publicists.

The result of these labors has been to show that there is a unanimity of sentiment on the part of those who are competent to recognize the urgent necessity of securing the execution of decisions rendered in foreign countries, while surrounding such execution with reliable guarantees, designed to take the place of those resulting from the system now in force.

The objection has been made that jurisdiction emanating directly from the right of sovereignty has essentially for its limits those by which this right is confined, and that, consequently, it would be an offense to the right of sovereignty and to the independence of a state to authorize the execution of a decision in it, which was pronounced by a foreign tribunal. This objection, which would be a serious one if it were sought to enforce, against the will of the sovereign, the execution of a decision pronounced in another country, loses all its force if we consider that the proposed reform would be introduced not only with the consent and concurrence of the sovereign whose rights, it is claimed, would suffer detriment, but by a direct act of his will. One country would not decree: "Decisions pronounced by my tribunals shall be binding in such another country;" but each state, being convinced of the necessity of the reform, would inscribe in its laws or its treaties the principle that decisions pronounced by the courts of such another state shall be executory within its own territory, as well as in the country in which they were rendered. The concession, moreover, by its very nature, would imply reciprocity. Finally, as to the form, the *exequatur* or the *pareatis*

* F. M. C. Asser on the effect or the execution of decisions rendered in a foreign country in civil and commercial cases. (*Revue de droit international et de législation comparée*, 1869.)

with which each state may decree that decisions rendered in a foreign country shall be furnished, would serve to show that, in each case, the execution of the decision is agreed to and authorized by the sovereign of the territory, and the employment of the executory formula in use in the country would have the effect of nationalizing it to a certain extent.

Independently of the direct advantages presented by the new system, it would render possible the abolishment of various restrictive measures affecting foreigners, which are but a consequence of the principles now in force in relation to the execution of judicial decisions. Thus, the security called *judicatum solvi*, the right to remove a foreigner from the jurisdiction of his natural judge, *occupatio bonorum alienigenæ*, the exceptional deprivation of personal liberty, are still sanctioned by the laws of countries in which an effort has been made to assimilate the position of the foreigner, in other respects, to that of the native. An attempt has been made, in this manner, to obviate the evils resulting from the principle that judicial decisions are not executory beyond the frontiers of the country in which they were rendered. The conclusion of international arrangements would render it possible for each of the contracting parties to adopt a basis of perfect equality in matters of civil procedure between their own citizens and those of another state. It would likewise become possible for them to grant, in an effective manner, the benefit of the *Pro Deo*, or the right of gratuitous judicial assistance, to indigent natives of another country. If this right is conferred under the present system, and if indigent persons are, at the same time, released from the obligation of furnishing the security called *judicatum solvi*, an act of inconsistency is committed prejudicial to the interests of the other party, which is thus, in case decision is pronounced in its favor, deprived of all means of action to secure re-imbursement for the costs of the suit, even if the party allowed to plead gratis should subsequently be placed in a better pecuniary situation. Moreover, if gratuitous judicial assistance is made subordinate to the obligation of furnishing the security called *judicatum solvi*, the benefit of the *Pro Deo* becomes completely illusory.

It is seen that the *indirect* consequences of the adoption of the principle of the international execution of judicial decisions would not be the least important. The proposed reform, while permitting the native citizen to exercise his right against a foreigner more promptly, more securely, and at less expense, can cause the abolition of various exceptional measures against foreigners, and will thus greatly tend to facilitate international transactions of all kinds.

The question how and to what extent the execution of judicial decisions pronounced in a foreign country is to be secured by legislative enactments, or rendered binding by treaty, is attended, it is true, with serious difficulties. To introduce, absolutely, in the laws of the various countries a principle which should assimilate, unreservedly, judicial decisions pronounced in foreign countries to those of the territorial courts, would not be hitting, but shooting beyond, the mark. The reform can be introduced only on certain conditions, and by surrounding it with reliable guarantees.

These guarantees are of two kinds: those which are purely of a moral order, and those which are of a legal order, and, therefore, susceptible of being sanctioned by formal measures, such as the adoption of uniform rules concerning competence *ratione personæ*, and as regards the conflict of laws. As to competence *ratione personæ*, it is absolutely necessary, in countries in which the decisions of the courts of the one are to be executed in the other, that it be governed by the same rules. If the laws of these countries contained contradictory provisions in relation to this matter, the assimilation of the decisions would give rise, in practice, to insurmountable difficulties.

In the first place, by what law would competence have to be determined? That of the country in which the decision was pronounced could not serve as a basis for such determination, for the state in which the decision is to be executed cannot set aside the rules in regard to competence which are established by its own laws. If the person condemned is a citizen of the state in which the execution is to take place, he cannot be removed from the jurisdiction of his natural judge by virtue of an act of his own government. In a word, if the decision emanates from a court that is incompetent, according to the laws of the country in which it is to produce its effect, the government of that country cannot recognize it as possessing any value. For that government it is as destitute of all binding force as would be a decision rendered by an incompetent court in its own country.

If, on the contrary, the competence of the judge is to be determined *ratione personæ*, according to the laws of the country in which the decision is to be executed, it is evident that the execution cannot be enforced, unless the judge who rendered the decision be competent in both countries.

In both cases serious difficulties present themselves, and it follows that any treaty becomes impossible, as regards the execution of judicial decisions, between two governments by whose laws different systems are established in relation to competence.

A government may, without doubt, come to an understanding with another government concerning certain rules determining competence, (the convention of June 15,

1839, between France and the Swiss Confederation furnishes an example of this,) but the difficulties are then rather set aside than settled, for these rules will necessarily vary in the different countries with which treaties are made, and thus there will finally be as many laws governing competence as there are treaties.

The difficulties which would arise from such a diversity of laws are perfectly obvious. It is sufficient to imagine a case in which parties of different nationalities should be concerned, in regard to each of whom it would be necessary to keep in view a separate law concerning competence.

The best, if not the only way, to prevent these difficulties would be the adoption by the powers interested of uniform rules, which should be the expression of the principles which are generally adopted in modern legislation as regards judicial competence *ratione personæ*.

A draught of a treaty between France and Belgium, annexed to the report presented by Mr. Lelièvre to the International Congress for the Promotion of the Social Sciences, which was held at Amsterdam in 1864, contains a body of rules in its second article which might be consulted with profit.

It would not be sufficient, however, to put an end to conflicts of competence; it would also be necessary to endeavor to prevent those which might arise on other points, from the diversity of existing laws.

The same reasons which prevent a government from declaring executory the decisions rendered by a judge who, according to its own laws, is incompetent, stand in the way of the execution of decisions pronounced in a foreign country, and calling for the enforcement of a law which cannot be enforced according to the principles in force in the country in which the execution is to take place.

Thus, it may happen that a state does not recognize the *statutum personale* of foreigners, and that the laws which regulate this matter in that state as regards native citizens differ from those of another state whose laws uphold the principle that the condition and the capacity of persons are governed, even in a foreign country, by the laws of the country to which they belong; for instance, as to their majority, the age which they must have reached before being allowed to marry, to make contracts, &c. It may, in like manner, happen that, according to the positive law of a state, the personal property owned by a foreigner is subject to the regime of the *statut réel*, while the laws of the other state render the law of the foreigner's domicile applicable to such property. It is, therefore, important to come to an understanding also with regard to rules designed to remove conflicts of this nature.

Here, however, one of the most difficult and complicated questions of private international law is involved. The government of the Netherlands does not deem itself authorized to draw up and propose rules designed to form a kind of European code on this subject. It thinks that the subject has not been sufficiently examined, and that the conviction of publicists and jurists is not sufficiently well established to enable it make a proposal of this kind with any prospect of securing the adhesion thereto of the governments interested in the settlement of the important question of the execution of judicial decisions rendered in a foreign country.

Instead of carrying on isolated negotiations with these powers, without being able to hope to obtain the uniform results which are indispensable to a practical settlement of the matter, the government of the Netherlands desires to invoke the co-operation of other governments for the assembling of a conference, to be composed of competent men, designated by each of them. It would be the duty of such a conference to examine the legal conditions necessary to regulate the reciprocal execution of judicial decisions rendered in other countries, and to prepare a body of rules, the object of which should be the prevention of any conflict of laws, whether civil or commercial, both as regards judicial competence and in other respects. It might, at the same time, determine the functions to be performed by the court authorized to grant the *pareatis* or the *exequatur*.

The rules adopted by the conference would then be submitted to the approval of the governments, and would form the basis of a uniform codification of the matter in the various countries, either by obtaining in each one of them the sanction of the legislative branch, or by becoming the subject of treaty stipulations. In both ways the object would be attained, and the obstacles which lie in the way of the execution of judicial decisions beyond the frontiers of the country in which they were pronounced, would be removed.

These obstacles, which have been already referred to, exist for all governments, as they do for that of the Netherlands. All are equally interested in their removal, the circumstances in which all are placed in this matter being the same.

The consideration that no private interest is here concerned, but that the point in question is the realization of a common wish, and of a reform whose importance and utility are generally recognized, leads the government of the Netherlands to regard this matter as being essentially of a nature to be discussed by an international conference, and induces it to hope that the means which it proposes for the attainment of the end may meet with the approval of the powers interested.

No. 507.

*Mr. Fish to Mr. Westenberg.*DEPARTMENT OF STATE,
Washington, March 19, 1874.

SIR: I have the honor to acknowledge the receipt of your note of the 11th instant, suggesting, on behalf of your government, the expediency of an arrangement by which judgments rendered by courts in one country may be carried into effect in another.

In reply I have to state that, as the subject is of great importance in itself and quite novel to this Department, it will require deliberate consideration. This it shall receive in deference to the enlightened and practical government from which the suggestion emanates.

Accept, &c.,

HAMILTON FISH.

No. 508.

*Mr. Fish to Mr. Westenberg.*DEPARTMENT OF STATE,
Washington, May 6, 1874.

SIR: Referring to your note of the 11th of March last, relative to the abolition of discriminating duties on goods, the product of countries east of the Cape of Good Hope, when imported from places west thereof, so far as such discrimination may operate directly against the commerce of the Netherlands, I have now the honor to inclose herewith, for your information, a copy of a letter of the 4th instant upon the subject, from the Acting Secretary of the Treasury.

Accept, &c.,

HAMILTON FISH.

[Inclosure.]

*Mr. Sawyer to Mr. Fish.*TREASURY DEPARTMENT,
Washington, D. C., May 4, 1874.

SIR: I have the honor to acknowledge the receipt of your letter of the 30th ultimo, in which, calling attention to your previous letter of the 19th of March last, and its inclosure, a translation of a note from the Netherlands minister, in relation to the abolition of discriminating duties on goods, the product of countries east of the Cape of Good Hope, when imported from places west thereof, so far as such discrimination may operate directly against the commerce of the Netherlands, you ask that the same may be considered, and that you may be furnished with an expression of the views of this Department on the subject-matter thereof.

In reply, I would state that the delay on the part of this Department in answering such letter is owing to the fact that the question involved was submitted to the Solicitor of the Treasury, for opinion, and that no response has, as yet, been received from him. As soon as the opinion of the Solicitor is received, the Department will promptly communicate with you further on the subject.

I am, &c.,

F. A. SAWYER.

No. 509.

*Mr. Fish to Mr. Westenberg.*DEPARTMENT OF STATE,
Washington, June 4, 1874.

SIR: Referring to your note of the 11th of March last, suggesting, on behalf of your government, the expediency of an arrangement by which

judgments rendered by courts in one country may be carried into effect in another, I have now to state that the subject has received the careful and deliberate consideration of this Government, which finds itself constrained to say that the difficulties are so great in the way of carrying into effect the project, arising from the nature of the organic Constitution of the United States and the relations of the States to the Federal Government, that it is not thought best to attempt it.

Accept, &c.,

HAMILTON FISH.

P E R U .

No. 510.

Mr. Thomas to Mr. Fish.

No. 74.]

LEGATION OF THE UNITED STATES,

Lima, Peru, November 25, 1873. (Received December 18.)

SIR: For some time past grave apprehensions of public disasters have prevailed in this community. It was feared that the credit of Peru would be dishonored by a failure to pay the accruing interest due on the 1st day of January next on the public bonds which had been disposed of by the financial agent of the Peruvian government, and it was seriously feared that the failure to furnish the required funds for the prosecution of the work on numerous railroads, now being built by contractors with the government of Peru, would arrest their construction, and thereby leave unemployed thousands of laborers. These apprehensions had their origin in a difference of opinion between those who have in charge the government of Peru and Messers Dreyfus Brothers & Co. as to the obligation which were imposed on that firm under a contract with the administration of the late President Balta, which gave to Dreyfus Hermunes & Co. an exclusive right to ship and sell in Europe the guano of the Peruvian government, and required them to pay out of the proceeds of such sales the interest on the bonds of Peru as it accrued and to furnish funds for the prosecution of the public works. These difficulties have now fortunately passed away. The Peruvian government and their financial agents, Dreyfus Brothers & Co., have come to a right understanding. The interest on the Peruvian bonds will be punctually paid and the public improvements will progress.

I am, &c.,

FRANCIS THOMAS.

No. 511.

Mr. Thomas to Mr. Fish.

No. 76.]

UNITED STATES LEGATION,

Lima, Peru, December 13, 1873. (Received December 30.)

SIR: A few days since a committee of seven respectable Chinese residents of this city called upon me, to ask my assistance in opening for them communication with the government of China. In reply to my inquiry as to the objects they had in view, I was informed that the committee represented a Chinese society of this city, and desired to acquaint the Chinese government of the true condition and treatment

of the coolies who are residing in Peru. This information was to be furnished to counteract attempts which have been made, and were to be continued, to inculcate the belief in China that the coolie trade ought to be encouraged, and to induce the Chinese government to make the diplomatic representative of Portugal, near the government of Peru, the medium of communication between the Chinese government and its subjects in Peru.

In reply, I turned the attention of the deputation to the nature of my relations to the Peruvian government, which forbids my interference with the internal regulations of this republic wherein citizens of the United States are not concerned. I was not at liberty to discuss or find fault myself with the policy of Peru on this subject, and could not with propriety become instrumental in opening and conducting a discussion as to the wisdom or policy of Peruvian laws concerning a portion of the laboring population of that country, and advised the committee to send any communication they desired to make to the Chinese government through the mail.

I saw no impropriety in addressing their communications to the care of the United States legation in China.

At the conclusion of the interview the committee asked me to make known to the Secretary of State their visit to me and its object, which I promised to do. This interview prompts me to say to the Secretary of State that I have confidence in the repugnance repeatedly declared by the minister of foreign affairs and the President of Peru for the coolie trade. It is not, however, easy to arrest this inhuman traffic. Labor is much needed by the agriculturists and railroad contractors, and these classes combined can exercise control on the Congress of Peru.

The coolie trade will be arrested if the mission recently sent from Peru to China is successful in their undertaking, which has for its object an emigration from China to Peru of laborers, with their wives and children, protected by treaty stipulations between the two governments; and looking to the crowded condition of the population of China, and the need of labor for the development of the immense latent values of Peru, it seems that the cause of humanity and civilization would be promoted if the Peruvian mission to China results in an understanding on this subject of emigration between the governments of the two nations.

I am, &c.,

FRANCIS THOMAS.

No. 512.

Mr. Thomas to Mr. Fish.

No. 77.]

UNITED STATES LEGATION,

Lima, Peru, December 20, 1873. (Received January 19, 1874.)

SIR: I have assumed that the inclosed copy of a decree of the President of Peru will be interesting to the Secretary of State. This paper prescribes rules and regulations for the government of the banks of Peru which are not to be found in the laws by which these institutions are established. A proclamation of this character, if issued by the President of the United States, would surprise the public. It is otherwise in this country. The President of Peru issues proclamations intending to have the laws of Congress executed, and issues other proclamations to provide for what the President considers omissions in existing laws; and these executive decrees are considered equally obligatory by

the community. In this instance I am of the opinion that this recognized power of the President is wisely exercised. In forbidding the circulation, after certain days named, of bank-notes of a less denomination than four soles, the President has given proof of his knowledge of a well-known law of currency generally in a community wherein a paper circulation of face-values equivalent to the coins of the country is by law authorized; in such cases coin will disappear, and paper will become the existing currency. Seeing this, President Pardo has wisely required the banks to withdraw from circulation and destroy all these notes of less denomination than four soles each, that the channels in which small notes now circulate may be filled with specie.

In those articles of this decree which require that the banks shall deposit in the mint, as a guarantee for the notes they may issue, 70 per cent. of their face-value in treasury-bonds or bonds of the internal consolidated debt of Peru, and have always on deposit in their vaults 30 per cent. of the face-value of their notes in circulation in gold or silver coin or silver in bars, the President wisely provides for a sale of Peruvian bonds, at 92 cents to the dollar, to the amount of six millions, (\$6,000,000,) a sum now indispensable to the government, and takes precautions against a flood of unredeemable bank-paper, which this community has now good cause to apprehend. In all this I am led to believe that President Pardo gives evidence of that sagacity, patriotism, and firmness which assures for Peru good government during his presidential term.

I am, &c.,

FRANCIS THOMAS.

[Inclosure.]

[From the South Pacific Times, December 20, 1873.]

The government and the banks.—Important government decree.

Manuel Pardo, constitutional President of the republic, considering—

That the government ought to fix the conditions under which bank-notes payable to bearer of the banks of issue should be received in the public offices, offering only the credit of the state to the banks which may be established and carry on their operations in conformity with the regulations and conditions it may determine—

Decrees:

ARTICLE 1. The administrators or receivers of either public, fiscal, or municipal revenues, or of those belonging to the charity or school boards, will not receive any other notes than those issued by the banks expressly authorized by the government to issue them according to the dispositions of this decree.

ART. 2. No banks of issue can be established with a smaller capital than 100,000 soles, the half of which must be paid up in cash; nor can it issue a quantity of notes payable to the bearer, whose value exceeds that of the capital subscribed, nor issue notes whose value is less than that of four soles. The notes actually in circulation for a less sum than two soles will be called in and paid by the banks before the 1st of June of the ensuing year, and those of two soles before the 31st of December of the same year.

ART. 3. The banks of issue will publish a monthly balance-sheet of debit and credit, and in the said balance-sheet there will be clearly stated the amount of coin and precious metals existing in their establishments, and the amount of the notes in actual circulation. These monthly balance-sheets must also state, along with the name of the bank, the amount of issue for which the bank has been authorized.

ART. 4. From the 1st of June next the President and members of the chamber of commerce in Lima, alternately with the commercial deputies from the departments, will audit the balance of the bank monthly, and its exactness, but only with regard to the money on hand and the circulation of notes, and they will authorize the said balance with their signatures.

ART. 5. The banks of issue will deposit in the mint, as a guarantee for the notes they emit, a sum either in treasury bonds or in those of the internal consolidated debt, or of

one or the other, in the proportion which the government may fix, the nominal value of 70 per cent. of the issue of notes for which each bank may be authorized.

ART. 6. This deposit will be made by the existing banks in the following proportions: three-fourths in treasury bonds and one-fourth in bonds of the internal consolidated debt; and it must be made within the term of nine months, each bank depositing the corresponding bonds in the following manner: Fifteen per cent. of the authorized issue deposited in bonds before the 10th of January; 10 per cent. before the 10th of the months of February, March, and April; and 6 per cent. before the same date on the subsequent months, until the deposit is completed.

ART. 7. The new banks of issue which may be established must make this deposit at one time, in order to be authorized to issue, and before its commencement.

ART. 8. From the 1st of January, 1875, the banks of issue must open a special cash account in their establishments, independent of the cash account of their daily operations, to be entitled "deposit of circulation." Each bank will have constantly in deposit in its coffers gold, coined silver, or silver bars, whose value shall be equal to the difference between the quantity of notes in actual circulation and the nominal value of the bonds deposited by the bank as a guarantee for the said notes.

ART. 9. This cash-box will be in the custody of a director of the bank, who shall be specially appointed by the directory, and the said director will be most careful that no money be taken out of it but in exchange for an equal sum of notes withdrawn from circulation; and again that they should not be taken out of the said safe without an equal sum in gold or silver having been returned to the deposit.

ART. 10. The holders of the notes will be considered as the owners of the deposited bonds, and of the funds belonging to the account "deposit of circulation" for the sums necessary to pay back in coin the notes they possess. They may make good their claims on the foregoing securities, in case the banks should not comply with their obligation to pay their notes at sight, and in current money.

ART. 11. The treasury bonds deposited by the banks will be received in the mint under the charge of a committee composed of the director of the mint, of the president of the chamber of commerce, and placed in a safe having three keys, one to remain in the possession of each of these functionaries.

ART. 12. Each bank will present to the said committee the notes of the authorized issue, in order that they may be stamped with a seal which will state that they are of the circulation authorized by the Government, and the series, numbers, and amount of the stamped notes will be kept in a separate book, and the accounts, together with the respective declarations signed by the members of the committee, will be made public.

ART. 13. The committee spoken of in the preceding article will meet at any time when called upon by the managing directors of a bank to authorize the destruction of old notes, and to stamp those which are to take their place.

ART. 14. If, at any time, a bank should propose to diminish the amount of the issue for which it has been authorized, it will make known its intention to the government, who will order the return, by the committee, to the bank which solicits it, the bonds corresponding to the value of the stamped bills which shall be destroyed before the committee itself. If a bank should wish to augment its issue, it will ask permission from the Government, and under its inspection will make good the required deposit at one time, just as if it were a new bank.

ART. 15. The committee with whom are deposited the responsible values of the banks will give in favor of each one or more certificates, not transferable, in which the series, numbers, and amount of the values deposited will be stated.

ART. 16. The same committee will calculate the interest which the certificates of each bank will gain every three months, and will at once order the custom-house of Callao to remit to each bank, monthly, the sum necessary to cover in the three months the interests on the certificates of deposits belonging to each bank.

ART. 17. The provisional receipts which may be given to the custom-house by the banks will be sent by the former to the comptroller's office, who will make with them the tri-monthly payments of the interest corresponding to the bonds represented by the certificates of the banks. The said payment will be on the certificates, and the provisional receipts which may have been given will be returned.

ART. 18. The managers and directors of the banks already established, or which may hereafter be established, will state in writing to the finance minister, and in accordance with the annexed form, the quantity of notes for which they ask authorization, stating at the same time the date of the establishment of the association they represent, the subscribed capital, and the portion already paid up.

ART. 19. The issues of the existing banks will be authorized as soon as their managers or directors may desire, ten months being given for the stamping of the notes, after which none which are not so stamped will be received in the treasury.

ART. 20. From the 2d of January next, both in Lima and Callao, and from the 31st of the same month in the other departments, there will not be received in any office, whether they be public or fiscal, municipal, or belonging to the school and charity boards, bank-notes which are not authorized by this supreme decree, and the cashiers

or administrators who may receive them will be removed from their posts by the authorities on whom they depend.

ART. 22. The banks existing at present in the departments will make the solicitude mentioned in the nineteenth article to the prefect of the department, who will at once authorize the issue asked for according to this decree, informing the finance ministry. The banks which may afterward be organized in the departments will also ask for the authorization of the supreme government.

ART. 23. It is understood that the term allowed for the deposit of bonds by the departmental banks will be extended thirty days beyond that fixed for those of Lima; the deposit will be made in the form and at the places fixed by this decree, without making any distinction between those of Lima or those of the departments.

The minister of state in charge of the portfolio of finance and commerce is charged with the carrying out of this decree, causing it also to be published and circulated.

Given in the government-house in Lima, on the eighteenth day of December of the year one thousand eight hundred and seventy-three.

MANUEL PARDO.

CAMILO N. CARRILLO.

Mode of requesting authorization.

YOUR EXCELLENCY: (Name of managers,) directors of the bank (name of bank) established (name of place) by a public document drawn up (date) with a capital of the amount of (nominal capital) has been collected, ask from your excellency authorization to issue a quantity of bank-notes, payable to bearer, according to the dispositions and enjoying the privileges conceded by the decree of the 18th of December, 1870.
Lima, ———.

Decree of Secretary of Treasury Carrillo.

LIMA, December 18, 1873.

In compliance with the clauses of the law of the 29th of April of the current year, it is hereby resolved—

1st. A special issue will be made of treasury bonds for the sum of \$6,000,000 on the conditions set forth in the following articles.

2d. The bonds of this issue will be of 10,000, of 1,000, and of 100 soles, divided in series, numbered and issued to bearer.

3d. The bonds will be registered in the audit office and bear the rubric of the finance minister, and the signatures of the director of the audit office and of the chief of the section of credit.

4th. The bonds will gain interest at the rate of 8 per cent. per annum, payable every three months, on the 31st of March, the 30th of June, the 30th of September, and the 31st of December in each year.

5th. The bonds will bear date January 2, 1873, and will be redeemed at par, either in part or entirely, from the 2d of January to the 30th of June, 1876, but in the mean time they will be considered as current money, and as such will be received in the public offices, according to the dispositions of the law which creates them.

6th. The treasury bonds of this issue are intended to constitute a guarantee-deposit of the banks of issue, and will be sold by the treasury of Lima at 92 per cent.

Let this be registered, communicated, and published.

By the President:

CARRILLO.

No. 513.

Mr. Thomas to Mr. Fish.

No. 81.]

UNITED STATES LEGATION,

Lima, Peru, January 26, 1874. (Received February 23.)

SIR: Insurrectionary movements are so frequent in all South American republics that I have not supposed it necessary to report to the Secretary of State several which have occurred in Peru since the in-

auguration of President Pardo. They have been generally at points remote from the seat of government; have not been led by conspicuous men, or even encouraged, to all appearance, by men of wealth and position in society, and have been promptly suppressed by the government. A movement occurred last night, about 9½ o'clock, in one of the barracks, where a battalion of the regular army were stationed, which, from its locality, requires notice. I can readily suppose that at a distance this affair would probably be magnified, but from all that I can learn, and I have taken some pains to ascertain the truth, the affair originated with some raw recruits who have been recently enlisted, of men who reside in the interior east of the Andes, not far from the famous battle-field of Ayacucho. The officers in charge of these recruits were, in the judgment of the men, too rigid in their discipline, and a mutiny which had for its object an escape of a portion of the soldiers, headed by no commissioned officer, resulted unfortunately in an armed conflict between the guards and the mutineers, resulting in the death of ten and the wounding of nineteen soldiers before the mutiny could be suppressed. A colonel of a different battalion, who came to assist in suppressing the mutiny, was unfortunately killed.

President Pardo and the principal officers of his cabinet being notified, were promptly on the spot, and the President has organized a court to investigate the affair, with a view to punish the guilty parties.

I see nothing in this affair to justify the belief that disloyalty to the government exists to any extent in the ranks of the regular army. It is proper for me to add, however, that there is a prevailing perturbation throughout all orders of society, growing out of the fact of the government being unable to meet the current demands on the treasury. These pecuniary embarrassments have their origin in the policies of the administration which preceded that of President Pardo. The financial difficulties are complicated, and require for their solution courage and talents of a high order.

I am, &c.,

FRANCIS THOMAS.

No. 514.

Mr. Thomas to Mr. Fish.

No. 106.]

UNITED STATES LEGATION,
Lima, Peru, May 17, 1874. (Received June 8.)

SIR: I have the honor to inclose, for the information of the Secretary of State, a report of a commission appointed by the President of Peru to estimate the quantity of guano the property of Peru. It will be perceived by the Secretary that this report has reference to the province of Tarapaca alone. The commission will proceed to estimate the guano deposits in other provinces of Peru, and will add doubtless very much to the quantity which Peru has for sale. The deposits marked on the list with a red cross are the deposits made by J. T. Landreau. I am often asked if the Government of the United States will urge the claim of J. C. Landreau against Peru on account of these discoveries made by his brother, J. T. Landreau, and would be pleased to know from the Secretary what response I am to give to these inquiries.

I am, &c.,

FRANCIS THOMAS.

[Inclosure 1 in No. 106.]

Descriptive list of guano deposits in the littoral province of Tarapaca, Peru, 1874.

HUANILLOS.

	Surfaces.	Mean heights.	Quantities.
		m.	
a.....	812. 00	9. 33	1795. 96
b.....	1266. 00	5. 60	7089. 60
c.....	805. 00	4. 00	3220. 00
d.....	1543. 00	6. 50	150780. 50
e.....	8160. 00		
f.....	4960. 00		
g.....	1312. 00		
h.....	5500. 00		
i.....	1722. 00	5. 00	95430. 00
j.....	2624. 00		
j'.....	2828. 00		
k.....	4444. 00		
l.....	3825. 00		
m.....	1500. 00	8. 50	284002. 00
n.....	900. 00		
o.....	880. 00		
p.....	2085. 00		
a'.....	2070. 00		
b'.....	2943. 00	5. 00	119870. 00
c'.....	2618. 00		
de'.....	270. 00		
e'.....	942. 00		
f'.....	1026. 00		
g'.....	3400. 00	5. 00	119870. 00
h'.....	2490. 00		
i'.....	1227. 00		
j'.....	4531. 00		
k'.....	4004. 00		
l'.....	2500. 00	5. 00	119870. 00
m'.....	702. 00		
n'.....	2880. 00		
o'.....	270. 00		
p'.....	208. 00		
q'.....	400. 00	5. 00	119870. 00
r'.....	595. 00		
s'.....	336. 00		
t'.....	3136. 00		
u'.....	1848. 00		
v'.....	10290. 00	5. 00	119870. 00
x'.....	8700. 00		
Add for small deposits outside the polygon.....			32031. 94
Sum total.....			700000. 00

PATACHE.

On the plains.....	15000. 00
On the western mountain.....	30000. 00
On the table-land.....	40000. 00
On the different declivities.....	40000. 00
Sum total.....	125000. 00

PATILLOS.

The quantity in the different ravines is.....	15000. m c c
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PUNTA DE LOBOS.

	Surfaces.	Mean heights.	Quantities.
<i>a</i>	6142.00	} <i>m.</i> 2.00	54786.00
<i>b</i>	2552.00		
<i>c</i>	1370.00		
<i>d</i>	2820.00		
<i>e</i>	4234.00		
<i>f</i>	4347.00		
<i>g</i>	1353.00	} 3.00	127497.00
<i>h</i>	4575.00		
<i>i</i>	18746.00		
<i>j</i>	949.00		
<i>k</i>	22804.00		
<i>l</i>	4437.00	} 15.00	104350.00
<i>m</i>	5500.00		
<i>n</i>	2424.00		
<i>o</i>	9145.00		
<i>p</i>	5346.00		
<i>q</i>	4740.00	} 25.00	593075.00
<i>r</i>	1854.00		
<i>s</i>	1059.00		
<i>t</i>	4376.00		
<i>u</i>	1358.00		
<i>v</i>	8648.00	} 5.00	231230.00
<i>x</i>	4619.00		
<i>y</i>	5555.00		
<i>z</i>	3038.00		
<i>w</i>	1863.00		
1.....	1414.00	} 12.00	336360.00
2.....	1950.00		
3.....	7400.00		
4.....	2366.00		
5.....	4864.00		
6.....	2860.00		
7.....	2091.00	} 10.00	220020.00
8.....	854.00		
9.....	4046.00		
10.....	2444.00		
11.....	15957.00		
12.....	927.00	} 10.00	220020.00
13.....	1950.00		
14.....	7400.00		
15.....	2660.00		
16.....	1256.00		
17.....	1926.00		
18.....	589.00	} 10.00	220020.00
19.....	6764.00		
20.....	2600.00		
21.....	1964.00		
22.....	1836.00		
23.....	2500.00		
24.....	918.00	} 10.00	220020.00
25.....	10350.00		
26.....	1972.00		
27.....	3136.00		
28.....	1290.00		
At the point, and other deposits outside the polygons.....			98706.00
Sum total.....			2265124.00

The following quantities have been removed from this deposit:

From <i>a</i> to <i>k</i> $\frac{2}{3}$	121522.00
From <i>l</i> to <i>u</i> $\frac{1}{4}$	150822.00
From <i>v</i> to <i>w</i> $\frac{1}{6}$	98847.00
From 1 to 11 $\frac{1}{4}$	57807.50
From 12 to 21 $\frac{1}{4}$	84190.00
From 22 to 28 $\frac{1}{4}$	55005.00
Amount	568233.50
Total difference	1696890.50

CHIPAUUA.

Part not worked.

	Surfaces.	Mean heights.	Quantities.
		<i>m.</i>	
<i>a</i>	696.00	0.20	139.20
<i>b</i>	1521.00	0.72	1095.12
<i>c</i>	304.00	0.50	152.00
<i>d</i>	2720.00	1.50	4080.00
<i>e</i>	9028.00	2.00	18956.00
<i>f</i>	2456.00	4.00	9824.00
<i>g</i>	4420.00	2.00	8840.00
<i>h</i>	3600.00	2.00	7380.00
<i>i</i>	2500.00	1.70	4250.00
<i>j</i>	3450.00	1.45	5002.50
<i>k</i>	4226.00	1.00	4226.00
<i>l</i>	6307.00	0.75	4730.25
Guano mixed with pebbles and other foreign matter			6290.00
Total			74065.07

In the part worked.

1	6460.00	} <i>m.</i> 1.00	15735.00
2	1075.00		
3	4800.00		
4	3400.00		
Sum total			89800.07

PABELLON DE PICA.

	Surfaces.	Mean heights.	Quantities.
		<i>m.</i>	
	300000	20.00	6000000.00
Subtract $\frac{1}{6}$ from this quantity on account of stones			1000000.00
Total difference			5000000.00

CHANAVAYA.

	Surfaces.	Mean heights.	Quantities.
		<i>m.</i>	
Quantity worked	57500	5.00	287500.00
	27500	5.00	137500.00
Total difference			150000.00

RECAPITULATION.

Huanillos	700000.00
Punta de Lobos	1696890.50
Chipana	89800.07
Pabellon de Pica	5000000.00
Chanavaya	150000.00
Patache	125000.00
Patillos	15000.00
Total number of cubic metres	7776690.57

No. 515.

Mr. Thomas to Mr. Fish.

No. 119.]

UNITED STATES LEGATION,

Lima, Peru, August 1, 1874. (Received August 24.)

SIR: I have the honor to inclose herewith a translation and copy of the message of President Pardo, addressed to the Congress of Peru on the 28th day of July last. The address was made orally, and was gracefully delivered. I send also a translation and copy of the reply to the message, made by Señor Muñoz, president of the senate, and presiding officer of the senate and congress assembled in one body, before which President Pardo's message was delivered.

The Secretary of State will perceive in the message the following language:

The government does not abandon the idea and hope that the meeting of an American Congress may take place which shall bind together more closely the relations of the nations of this continent, and, by uniformizing many points of their legislation, facilitate exchanges by the adoption of general rules, and at the same time by common consent give force to several principles of international law, which would strengthen the national bonds of sympathy between Americans, and consequently render more remote all possibility of disagreements.

It is difficult to estimate the advantages which might result from this proposed American congress. A congress of diplomatic representatives from all the republics of this hemisphere could, and probably would, ultimately incorporate into the laws of nations all those humane principles which the Government of the United States from its origin has insisted constitute portions of the laws of nature, and on that account ought to be received by all governments as a part of international law. It is not unreasonable to anticipate that negotiations with that view would succeed with the new republics of Spanish America, notwithstanding the failure of protracted negotiations of the United States on the

same subject with the old governments of Europe. The governments of the old world are antitypical and traditionary, hence their representatives heed the voice of reason less than the representatives of republics whose institutions are founded on the broad basis of nature's laws. The diplomatic representatives of the great republic in a diplomatic congress of the republics of America could not fail in their efforts to establish laws of nations, for peace or war, founded in the eternal principles of right, justice, and humanity, and such laws, having the sanction of all the governments of this hemisphere, would inevitably, at no distant day, be accepted as the rules of international conduct for the civilized world. Even if the proposed convention, contrary to all reasonable calculations, resulted only in an agreement that arbitration should be the resort of nations in all cases to avoid wars, the convention would wear in all time to come a crown of glory, like that which the administration of President Grant must wear, for its Geneva arbitration, on the pages of the history of the world.

I am, &c.,

FRANCIS THOMAS.

PORTUGAL.

No. 516.

Mr. Lewis to Mr. Fish.

No. 69.]

LEGATION OF THE UNITED STATES,
Lisbon, January 3, 1874. (Received February 14.)

SIR: Yesterday, the Cortes of the kingdom of Portugal was opened by the King in person. The usual ceremonies were observed, the only variation that I noticed being the attendance of her majesty the Queen Consort, who occupied a seat on the throne with the King.

A translation of the King's speech is herewith transmitted. It will be seen from this speech that, for the first time in many years, the expenses of the government do not exceed the receipts into the treasury, and that there is, consequently, no deficit to be provided for by additional legislation.

The King congratulates the Cortes on the general prosperity of the kingdom, the improvement in the condition of the national finances, and the increase of the material wealth of the people, produced by the railways that have been completed, or are in course of construction. These are, of course, subjects of congratulation; but, in my opinion, the fact that the nation has not been disturbed by the political convulsions of their nearest neighbors, and that the great mass of the people are loyal to the existing dynasty, and indisposed to revolution, furnishes the best evidence that there is no cause for complaint, or at least none that cannot be removed by the action of the representatives of the people.

The political status of Portugal has not been affected by the events that have transpired in Spain; sympathy with the Carlist movement is confined to the small and comparatively uninfluential body of ultra-montanes who still profess allegiance to the deposed Miguelite dynasty.

The great body of the people, of all classes, naturally deprecate the success of Don Carlos in Spain or the restoration of the elder Bourbon dynasty in France, as either event would be a signal for agitation in behalf of the deposed dynasty in Portugal.

With respect, &c.,

CH. H. LEWIS.

[Inclosure.—Translation.]

Speech from the throne at the opening of the Cortes of Portugal on the 2d January, 1874.

HONORABLE PEERS OF THE KINGDOM, AND GENTLEMEN DEPUTIES OF THE PORTUGUESE NATION: On this solemn occasion, in which I am here to open the legislative session of the present year, I am happy to have around me the representatives of the nation.

Our diplomatic relations with foreign powers continue to be most satisfactory.

The public tranquillity has been preserved without the least interruption throughout the kingdom and our ultramarine provinces. In pursuance of the authority vested in my government by the acts of the Cortes of the 2d July, 1867, and 5th March, 1858,* public national subscriptions were opened for the emission of the first series of bonds of the Minho Railroad to the amount of 1,535,670 milreis and for the sum of 38,000,000 milreis, to be applied to the extinction of the floating debt. In both cases the result was most satisfactory, and the subscriptions were in excess of the sum asked for by the government.

My minister of the treasury will submit to you a report of the affairs of his department, which exhibits the vitality of the country, its patriotism, and the relative prosperity which we enjoy. In the prosecution of our aims to improve the armament and equipment of our army, on a peace footing, my government is indebted to the government of Her Majesty the Queen of Great Britain and of His Majesty the Emperor of Germany for a supply of modern carbines for infantry and cavalry, and of cannon of the Krupp system, which were obtained directly from the arsenals of Great Britain and Prussia.

To meet the expense consequent upon the purchase of these arms and the munitions of war which it was indispensable that we should purchase or manufacture, my government will present to you the necessary estimates, to which you will give that consideration required by the importance of the subject to which they refer.

The construction of the Minho Railroad is being successfully prosecuted. The work on the Regoa Railroad has been commenced, and the section of the Southeastern Railroad as far as Extremoz has been completed and is now open for the transportation of passengers and freight. The works on the ordinary roads have been prosecuted with all the resources placed by law at the disposal of my government. As every day's experience tends to show palpably and incontestibly how greatly increased facilities for travel and transportation of produce contribute to the wealth of the nation, the time has arrived for the extension of the railway to the two districts of Beira, which will not only prove a great benefit to these important provinces, but will greatly facilitate our international communications. My government will present to you the estimates necessary for these improvements, subordinating them, however, to the determination that the financial condition of the country shall not be disturbed.

In addition to the subjects which remained pending, and which await your enlightened consideration, there are others of general interest that will be shortly laid before you by my ministers. I trust to your well-known zeal and patriotism, and am well assured that everything which may tend to the improvement of the administration itself, to the prompt administration of justice, to the diffusion of knowledge, and to the improvement of all branches of the military and naval service, and of our ultramarine provinces, will receive your enlightened and devoted attention. In obedience to the requirements of the constitution, my minister of the treasury will lay before you the estimates for the expenses of the fiscal year 1874-'75, and from it and the documents which accompany it you will see that the condition of the treasury is most satisfactory, and, thanks to the foresight you have exhibited, the endeavors of all our people, and the happy continuance of public peace, our credit has been strengthened, and we shall be able to equalize the receipts and expenses without increasing the taxes. Calling your enlightened attention to the duties which are so nearly connected with the highest interest of the country, I confide fully in your wisdom, and am confident that with the blessing of Providence you will, as far as you are able, co-operate with my ministers as far as proper regard to economy will permit, in improving our finances and addressing ourselves to the task of availing ourselves of the progress of civilization to advance the greatness and prosperity of our country.

The session is opened.

* Evidently a misprint for 1868.—C. H. L.

No. 517.

Mr. Lewis to Mr. Fish.

No. 73.]

LEGATION OF THE UNITED STATES,
Lisbon, February 4, 1874. (Received February 28.)

SIR: I have just received from the minister for foreign affairs a certified copy of a proclamation issued by His Majesty the King of Portugal, setting forth that great and frequent complaints having been made to His Majesty's government of the introduction of coolies from China into the port of Macao for transportation to foreign countries, which traffic is not only prohibited by the laws of Portugal, but is repugnant to the spirit of Christian civilization, therefore His Majesty commands that the civil governor at Macao, and all other Portuguese authorities, shall adopt vigorous measures to suppress the traffic aforesaid, and punish all offenders against the law in this respect, and that the repressive measures now employed by the British authorities at Hong-Kong shall be employed by the Portuguese authorities at Macao, and the dependencies of Portugal under the jurisdiction of the civil governor at that place.

I am happy to be able to add, that I have good reason for believing that the Portuguese government are in earnest in their expressed determination to suppress this traffic in the dependencies of the kingdom.

With, &c.,

CH. H. LEWIS.

[Inclosure in No. 226 from the consul at Hong-Kong.—Translation.]

Proclamation of the Governor of Macao.

No. 89.

The Governor of the Province of Macao and Timor and its dependencies, envoy extraordinary and minister plenipotentiary of His Most Faithful Majesty in China, Japan, and Siam, &c., &c.

In obedience to the orders from His Majesty's government the following is enacted:

"The Chinese emigration hitherto carried on in the port of Macao is henceforward prohibited.

"In conformity with the provisions of article 83 of the Emigration Regulations, this determination shall be complied with within three months after this date.

"Let the competent authorities take note and execute the present proclamation.

"Government-house at Macao, 27th December, 1873.

"VISCONDE DE S. JANUARIO,
"Governor of the Province, &c."

RUSSIA.

No. 518.

Mr. Jewell to Mr. Fish.

No. 24.]

LEGATION OF THE UNITED STATES,
St. Petersburg, December 31, 1873. (Received Jan. 24, 1874.)

SIR: I have the honor to inclose to you a copy of the treaty concluded between Russia and Bokhara on the 10th October last, which was pulished yesterday in the Government Messenger. You will

notice that Russia cedes to Bokhara a portion of the right bank of the Amu-Darya, or Oxus, as proposed in the recent treaty with Khiva. The navigation of the Oxus within Bokharan limits is opened to Russian vessels, with the right to build wharves and warehouses. The chief provisions of the commercial treaty of 1868 are renewed, although some of them have never been carried out by the Bokharans. The chief merit of the new treaty is, that by it the slave-trade is abolished in Bokhara. I may mention here that Russian official accounts for the last few years had agreed in stating that the slave-trade there had ceased, all unofficial statements to the contrary being disbelieved. It was not until after Mr. Schuyler purchased a Persian slave openly in the bazaar in the city of Bokhara, who was taken from him by the Bokharan authorities, and then purchased another and brought him to Samarcand and Tashkent, as an incontrovertible proof of the Bokharan slave-trade, that the efforts of the governor-general of Turkistan were directed to repress this shameful traffic. It is to be hoped that the Russian government will insist on this article of the treaty being strictly observed.

The lad purchased by Mr. Schuyler for 700 tengas, or 175 rubles, was brought by him to St. Petersburg and lives under the care of Mr. Schuyler in his rooms at the legation, of course as a freeman. He is a fine, intelligent boy.

Thinking it may interest you, I also inclose, marked "B," a translation of the passport for the lad, given to Mr. Schuyler by General Abramoff, the governor of the Zarafshan district, on his arrival at Samarcand.

I am, &c.,

MARSHALL JEWELL.

[Inclosure 2 in No. 24.]

Passport of the boy Hussein.

[Translation.]

[Revenue-stamp, 2 rubles.]

Commander of Mr. Eugene Schuyler, of the American legation at our imperial Zarafshan District. court, during his stay in Bokhara ransomed a Persian slave, a boy
Chancery. Div. of eight years old, by name *Hussein*, whom he has retained with him
Adm. August, 1873. until he finds the possibility of returning him to his native coun-
Samarcand. try.
No. 2790.

Description: For confirmation of this, this passport is given, with my signature
Eyes, black. and the crown-seal.
Face, clean and
quiet. Commander of the Zarafshan district.

Nose, } ordinary.
Mouth, }
Height, 1 1/2 ells,
6 bershoks.

[L. S.]

Director of Chancery, Artillery-Staff Captain, (name illegible.)

MAJOR-GENERAL ABRAMOFF.

No. 519.

Mr. Jewell to Mr. Fish.

No. 29.]

LEGATION OF THE UNITED STATES,
St. Petersburg, January 24, 1874. (Received February 14.)

SIR: I have the honor to inform you that Her Imperial Highness the Grand Duchess Marie Alexandrovna, the only daughter of the Emperor,

was yesterday married to His Royal Highness the Duke of Edinburgh. In common with the rest of the diplomatic body, I was present at the marriage ceremony in the imperial chapel, and afterward at the Protestant English rite in the Alexander Hall. We were also present in the evening at the reception in the winter palace in honor of the new Duchess of Edinburgh. The festivities arranged for the occasion commence next week, on the return of the Duke and Duchess from Tsarskoe-Selo. So far as I am able to learn, this marriage is much liked among the people.

I have, &c.,

MARSHALL JEWELL.

No. 520.

Mr. Jewell to Mr. Fish.

No. 33.]

LEGATION OF THE UNITED STATES,

St. Petersburg, January 27, 1874. (Received February 20.)

SIR: Referring to your dispatch No. 7, dated 24th April, 1873, addressed to the late Mr. Orr, instructing him to apply to the Russian government for leave for a party of observers, under the orders of the Navy Department, to make, at Vladivostok, on the sea of Japan, observations of the transit of Venus, I have the honor to report that I made the necessary application. I to-day received in answer a note from Mr. de Westmann, a copy of which I inclose herewith, informing me that the imperial government has consented to the application, and will take all the measures necessary.

I have, &c.,

MARSHALL JEWELL.

[Inclosure in No. 33.—Translation.]

Mr. Westmann to Mr. Jewell.

No. 127.]

ST. PETERSBURG, *January 15, 1874.*

SIR: I have had the honor to receive the note which you were pleased to address to me in relation to the scientific expedition which the Federal Government desires to send to Vladivostok for the purpose of observing the transit of Venus, which is to take place in the course of the year 1874.

The imperial government will not fail to lend all the aid in its power to the enterprise of the American astronomers, to which it will be happy to grant all desirable facilities. I at once referred the matter to the minister of marine and to the minister of finance, requesting them to cause all the necessary measures to be taken to this effect.

Accept, sir, the assurance of my most distinguished consideration.

WESTMANN.

MR. MARSHALL JEWELL,

Envoy Extraordinary, &c., &c.

No. 521.

Mr. Jewell to Mr. Fish.

No. 43.]

LEGATION OF THE UNITED STATES,

St. Petersburg, February 16, 1874. (Received March 11.)

SIR: I have the honor to inclose to you a copy of a rescript of the Emperor addressed to the minister of public instruction on the 25th

December (6th January) last, in which he places the primary schools under the special charge of the nobility in order to preserve them from corrupting and pernicious influences. I also inclose to you several of the addresses of the nobility in reply to this rescript.

The reasons for the issuing of this rescript are not thoroughly understood. By some it is supposed to be an insidious blow at the whole system of popular instruction, and to be the beginning of a retrograde step, with the idea that it would almost forbid the employment as teachers of young men who have just completed or are now finishing their education, the most of whom are viewed with some suspicion by the government. It is understood that there exist in Russia secret leagues and societies for the purpose of diffusing enlightenment among the masses. Others, taking the rescript in connection with the address of the nobility of Moscow, look upon it as a step toward calling the nobility as a class to a new order of services to the state. But the Moscow nobility, perhaps the most patriotic and enlightened body of men in the empire, always in their addresses very strongly hint at their desire for a constitution and a representative assembly, and the rescript taken by itself only speaks of the nobility as the representatives of the intelligence of the country.

The course of the ministry of public instruction for the last few years has been most singular; more attention, and almost as much money, having been spent on the manner of instruction and the inspection of the schools than on the instruction itself. In 1861 the ministry brought in a project to transfer all the common schools to the holy synod, on the ground that their inspection and the instruction given in them would be better if intrusted to the clergy. Although this project was not approved, the state of the common schools was not decided until, four years after, a system of inspection was resolved on by which they were confided to the ministry of public instruction, with assistance from the clergy and the ministry of the interior. Immediately afterward it was proposed to establish teachers' institutes.

In 1866 Count Tolsboy became minister. The most of his attention has been devoted to remodeling the gymnasiums and higher schools, by which a classical system of education has become obligatory on all who wish to enter the universities. Schools especially founded for instruction in the Eastern language have been turned into classical schools, and practical trade-schools (*real-schulen* in Germany) have been almost abolished. A change took place also in the views of the ministry with regard to the primary and people's schools. It was thought that there was no need of teachers' seminaries; that the best places for educating teachers were the theological seminaries, and that the best teachers would be the clergy and young theological graduates waiting for places. At the same time the inspection of the schools was to be retained in the hands of the minister, and centralized as far as might be; and as little share as possible in this work was to be permitted to the provincial diets or municipalities, which were, however, obliged chiefly to pay for the support of the schools. It was with this idea that the regulations of 1871 and 1872 were made. For perfecting the inspection it was thought necessary to spend 800,000 rubles a year, and only in view of the financial condition of the country it was resolved to limit the expenses of inspection to 300,000 rubles in addition to the 68,000 already spent, and to appoint only one hundred and forty-two new officials. In the budget for 1874 this idea is maintained, and of the sum of 1,098,701 rubles set apart for people's schools, (the whole educational

budget amounts to 13,135,089,) nearly the whole of the increase over last year, 337,464 rubles, is devoted to the expenses of inspection.

We now learn from the rescript that the foundation of teachers' institutes and seminaries has been ordered by the Emperor. Such institutes already exist, but founded either by the provincial assemblies or by private persons. The expenses demanded for new inspectors will probably be saved to the treasury, as the representatives of the nobility will serve without pay. Another thing the rescript shows us is that the system of inspection has proved useless, as, in spite of it, the "corrupting influences" have increased instead of diminishing.

It is hoped that much will be done for popular instruction by the new military law. The regimental schools have already done much. In the regiments of the guard for some years past one-half, and in some cases three-fourths, of the soldiers can read and write, while the percentage of recruits able to read and write is only 11 per cent. What great influence these schools will have when the whole army is renewed once in five years! But more than this, a premium has been offered to education by shortening the terms of military service for those who have received instruction. For those who have finished the course of the universities or other schools of the first class, the term of actual service is fixed at six months, instead of six years; for those who have passed through the sixth class of the gymnasium and *real-schule*, or the second class of the theological seminary, the service is a year and a half; for those who have finished the course of the progymnasia, or schools of the third class, two years; and for those who have a certificate of knowledge of the course of the common schools, as fixed in 1864, four years. Attendance at the common schools thus shortens the service by one-third. Voluntary service shortens the period of service still more. It is curious that the minister of public instruction had the same period of service fixed for the graduates of the sixth as for the seventh class in the gymnasia, (and attendance in the seventh class is obligatory for entering the university,) thus giving a premium for leaving school and volunteering service before finishing the course of instruction. A majority of the council of the empire was at first opposed to these alleviations of service for school attendance as being too great, especially the ministry of public instruction, who insisted on young men who had received the higher and academic course of instruction serving in the ranks for a far longer period of time than was thought necessary by the ministry of war. The imperial will, however, sided with the minister of war, to whom belongs the credit of having invented this great incentive to education.

But unless speedy measures are taken for increasing the number of national schools, they will be found far too few for the needs of the country.

I have, &c.,

MARSHALL JEWELL.

No 522.

Mr. Jewell to Mr. Fish.

No. 44.]

LEGATION OF THE UNITED STATES,
St. Petersburg, February 17, 1874. (Received March 11.)

SIR: I have the honor to inform you that the Emperor of Austria arrived here on Friday. Since then the Court has been constantly employed in amusing and entertaining him.

The diplomatic corps was presented to him yesterday. At a military dinner given on Sunday, the Emperor Alexander drank to the health of the Emperor of Austria, as follows: "I drink to the health of my friend the Emperor Francis Joseph, whom we are glad to see among us. In the friendship which unites us both with the Emperor William and with Queen Victoria, I see the truest guarantee of peace in Europe, which is so desired by all and so indispensable to all." To this the Emperor of Austria replied: "Filled with gratitude for the friendly reception which has been shown me here, and sincerely sharing the convictions and feelings which have been expressed by my august friend, I drink to the health of His Majesty the Emperor, Her Majesty the Empress, and all the august house. May God's blessing be on them."

There is no doubt that the visit of the Austrian Emperor, the first since the time of Joseph II, has important meaning for the peace of Europe, in bringing closer together the two nations of Russia and Austria, which have had unpleasant relations since the time of the Crimean war. As an ambassador said to me yesterday: "If Germany, England, Russia, and Austria are determined that there shall be peace in Europe, who will dare to make war?" As a sign of the complete reconciliation of the two countries, the Russian minister at Vienna and the Austrian minister here have been both raised to the rank of ambassador.

The tone of the press is very friendly. There is much self-congratulation that so many sovereigns and heirs to thrones have been in St. Petersburg during the past year, evidently with the sole intention of seeing the Emperor as there was no exposition, or other extraneous event to bring them so far. After recounting in some detail the former good relations between Russia and Austria, which were of advantage to both countries, the journals all express delight at the present reconciliation, and the hope that the renewed friendship will long endure. All speak of the effect on the Eastern question.

I have the honor to inclose to you translations of extracts from the leading articles of the chief newspapers on this subject. I am informed by good authority that the Emperor of Russia will go in the spring to Würtemberg for the marriage of his niece, and, after spending a few days at Brussels and the Hague, will make a formal visit to Queen Victoria, arriving in London in May.

I am, &c.,

MARSHALL JEWELL.

[Inclosure in No. 44.—Translation.]

[From the Golos, February 1-13, 1874.]

So far we have only looked at the profit which Austria will obtain from its alliance with us, but this alliance seems to us so much the more firm, as its profit will evidently be mutual. Besides the fact that our western boundary will be again quite protected by the neighborhood of two friendly governments, and that we can be perfectly at our ease in the near future, which, in all probability, does not threaten us with difficulties from any side or any quarter, our alliance with Austria to a great degree simplifies the position of the Eastern question.

While formerly, in Turkey, the interests of Russia were opposed by the interests of France and England, of late the part in the Eastern question of the two western powers has been laid claim to by Austria. Her statesmen have tried to support in the vassal provinces of Turkey, and among those of her subjects who have the same religion and the same blood as we, an opposition to and suspicion of Russian policy. It is the

affair of Austria to decide how far this policy has been profitable to her. It seems to us that it has brought her more harm than good ; but on the first beginning of friendly relations between Austria and Russia, Turkish affairs have taken quite another turn. The vassals of the Turkish Sultan evidently no longer find external obstacles to their efforts for obtaining independence. The princes of Rumania and Servia appoint diplomatic agents at the European courts, and intend to buy their independence of the Sultan by money, of which the Turkish government has great need. On the other side, the Porte only knows that the number of its defenders and protectors has decreased, and that, in the persecution of its Christian subjects, it cannot count on the indifference of the neighboring governments. The Eastern question constitutes, therefore, a soil on which the friendship between Russia and Austria can produce the most excellent fruit, if only the bases of the Eastern policy of the two powers shall be identical, and if they are insured by a full agreement between them in regard to ends and means. However that may be, the great guarantee for an advantageous peace we see in the solemn event of which our capital will to-morrow be witness. Russia and Austria are not now what they were fifty and forty years ago ; a close alliance between them cannot in any respect embarrass Europe. The friendly relations which exist between the Emperors Alexander, William, and Francis Joseph, constitute a powerful force, which will put down any attempts to affect the peaceful course of events on the European continent. While guaranteeing peace, the new position of affairs will not in the slightest degree threaten the development of the civil life of the nations of Europe. Let us remember in this relation that the Russian and Austrian governments are arming themselves alike against the dark force of Papal absolutism, which has declared war on reason.

[From the Golos, February 2-14, 1874.]

A salute of cannon informed the inhabitants of St. Petersburg, to-day, of the arrival in our capital of the guest of our Emperor, the Austro-Hungarian Emperor, Francis Joseph. This visit is not only the most important political event of the week, but, in connection with the former interviews of the rulers of the three greatest European powers, it must be admitted to be a fact having an important meaning for all the general European policy of late times, and constituting in itself a new and very important guarantee for the maintenance of European peace for a length of time in future. We yesterday gave a special article to the consideration of the importance of this happy event, and to-day can only say that the views which we expressed are shared by all the serious journals of Europe. Even that part of the Vienna press which was formerly systematically hostile to Russia holds, in advance, the event of to-day as a final step to the firm renewal of perfectly friendly relations between two great neighboring powers which have many common interests. These journals see, in the visit of the Emperor Francis Joseph to St. Petersburg, a happy guarantee that the sincere friendship and complete reconciliation of the two governments and nations, which had begun at the Berlin interview of the Emperors in 1872, will now develop in the same beneficent direction which has brought, since that time, so many happy results. This unity of feeling in the views of the Russian and Vienna press shows that in St. Petersburg, as well as in Vienna, public opinion stands the same way as to the important significance of the journey of the Austrian monarch, and expects from it the happiest results for the mutual relations of both countries, and for the maintenance of European peace.

We do not doubt that the magnificent reception given to-day by the St. Petersburg public to the august guest of our sovereign will produce the happiest impression on the Austrian monarch, who visits our capital for the first time, and, serving as an expression of the deep respect and sympathy inspired by his personal qualities, will show him how sympathetically the Russian nation welcomes, in his person, the new era which is the beginning of sincerely friendly relations between Russia and Austria. We are sure that the glad cries which went up to-day on the streets of St. Petersburg, at the passage of the Emperor Francis Joseph to the winter palace, will find a glad echo even in Vienna.

[From the St. Petersburg Gazette, February 1-13, 1874.]

From a Russian point of view we can only be well satisfied with the friendship of Russia and Austria. Of course we say this, considering that the times of the Metternichs have passed not to return, and that Russia can no longer play the strange part of a defender of legitimacy in Naples and Spain, or of a putter-down of German students, as she did fifty years ago. Still less will Russia be in a condition to take upon herself the task of reconciling the populations of the Austro-Hungarian monarchy

with the Hapsburg dynasty, as she did in 1849. But even after the mistakes of the old times the friendship of Austria is for us a very great prize. After all the losses and misfortunes, Austro-Hungary remains still a very powerful monarchy in Europe, and a large and brave army obeys the voice of the monarch; and not to prize the alliance of such a neighbor would be in the highest degree impolitic. Austro-Hungary is important in the first place as a counter-weight to the German empire, which, although now in the most friendly relations with us, partly through the influence of services rendered by us, may yet change its position easily through future events.

In the second place, friendly and frank relations with Vienna are necessary for Russia for the purpose of a peaceful and conscientious solution of the Polish question.

Finally, a good understanding with Austria is not without profit for us, even in the so-called Eastern question, although the interests of Russia are very strongly opposed to Austrian interests, which demand the *status quo* from fear of a strengthening of South Slavonic elements, which are now kept down in the empire by the German and Magyars. A peaceful solution of the Eastern question—and we certainly desire that for the glory of Russia—it is impossible not to admit cannot be reached without the common consent of both governments who are interested in the matter. For this reason we, with the greatest satisfaction, hail the attempt of Austro-Hungary to be friendly with us, and we can only wish that this *rapprochement*, begun in diplomatic spheres, will soon pass over to the spheres of scientific and literary activity and of industry and commerce.

[From the Exchange Gazette, February 2-14, 1874.]

We allow ourselves to express some consoling hopes on the occasion of this union between Russia and Austria; hopes relating to the men of our race, the Austrian and Turkish Slavonians. We are sure that so long as friendly relations exist between the two governments, and they act in common in the Eastern question, that all difficulties arising there will be easily and quickly settled, and that the most complex questions will be decided to the advantage of the vassal population at Turkey and in the interests of its Christian subjects; so that the Eastern question, which has been until now a "bugbear" for Western Europe, will be decided gradually and imperceptibly by itself, without commotion, and without especial revolutions. The Austrian press, until lately, was frightened at panslavism, and shut its eyes so as not to see something much more dangerous for the safety of the Hapsburg empire, pangermanism. We allow ourselves to hope that the friendly union between Austria and Russia will remove from the Austrian government all reasons for distrust with regard to its Slavonic subjects, and that it will satisfy all just desires and solicitations of the Slavonic races in Austria, which constitute the majority of its population, and which have always faithfully and sincerely served the Hapsburg dynasty; then the Austrian Empire, relying on the Slavonic element within itself, and on the friendship of the Slavonic Russian Empire abroad, will again occupy, in the center of Europe, that strong and honorable position which it occupied a quarter of a century ago.

No. 523.

Mr. Jewell to Mr. Fish.

No. 45.]

LEGATION OF THE UNITED STATES,
St. Petersburg, February 23, 1874. (Received March 17.)

SIR: Some days ago I was informed that disturbances had broken out in portions of Poland, but I desired to ascertain more correctly the state of things before informing you. This has been a matter of some difficulty as the affair has been kept very quiet here. So near as I can get at the facts they are these: There exist in the government of Lublin some 230,000 persons belonging to the Uniate church, which was formerly a branch of the Greek orthodox church, but now acknowledges the primacy of the Pope and adopts some of the Catholic ceremonies. The government is desirous of restoring this church to the orthodox communion, and of abolishing the use of the bell during mass, the singing of Polish chants, and other displeasing usages. Such an effort was successful with the Uniates of Lithuania and the northwestern

provinces some forty years ago. In 1872 and 1873 Count Tolsboy the minister of public instruction and procuror of the Holy Synod issued orders to bring about these results, and, if possible, to persuade the inhabitants to accept orthodox priests. It was found, however, impossible to do this, and a report being made to that effect, new and more stringent orders were issued a few weeks ago, in consequence of which several priests, I am told twenty-four, who insisted on carrying on the former services, were arrested. In some places the peasants refused to go to the churches when the orthodox priests ministered, until they were forced to do so by the troops; in others they collected in crowds, closed the churches, and prevented the priests from performing the services. In one case it is said a priest was stoned to death. Conflicts arose between the peasants and the military, in which several persons were injured, and in one case, at the village of Drelof, on the 8th of February, thirty peasants were killed and many more wounded, and it is said, even, that several of the soldiers were killed. The prisons at Lublin and Kielce are said to be overflowing with prisoners. The peasants were also punished by whipping, the men receiving fifty, the women twenty-five, and the children ten blows each; some women more persistent and outspoken than the rest are said to have received as many as one hundred blows. Similar troubles are said to have occurred at Protulin and other places, also, with loss of life. It is supposed that the disturbances are now over, the peasants, probably, in most cases preferring to submit rather than to be utterly ruined, for during the last summer the peasants of various villages in the government of Lublin were obliged constantly to submit to interrogation, and attend upon judicial proceedings; by which they were prevented from cultivating their fields and were reduced almost to a state of starvation.

I have, &c.,

MARSHALL JEWELL.

No. 524.

Mr. Jewell to Mr. Fish.

No. 47.]

LEGATION OF THE UNITED STATES,
St. Petersburg, March 10, 1874. (Received April 3.)

SIR: I have the honor to inclose herewith a report made to me by Mr. Schuyler on the position of affairs in the Russian provinces of Central Asia and the neighboring independent states, which I have no doubt will be of great interest to you as it is very clear and comprehensive, and does credit to his observance and industry. Mr. Schuyler had unusually good facilities for obtaining information, both by his official position and previous knowledge of affairs there. Mr. Schuyler's journey to Central Asia is considered a very remarkable one here, as he visited some countries where none but one or two Russians had ever penetrated, and much interest is expressed to know his views of the state of things in Central Asia, as he is the first impartial traveler there, and is known to be favorably disposed to Russia. Many prominent Russian officials have requested his unbiased opinion.

I am, &c.,

MARSHALL JEWELL.

[Inclosure.]

[Extract.]

*Mr. Schuyler's report on Central Asia.*LEGATION OF THE UNITED STATES,
St. Petersburg, March 7, 1874.

SIR: Although my journey in Central Asia was undertaken without political aim, yet my official position procured me everywhere a warm and hospitable reception, and gave me opportunities for obtaining information of the position of Russian affairs in Turkistan, and in the still independent Khanaks, which may be of interest to the Government. You are already so well informed of the advances of Russian arms in Central Asia that I need not enter into any historical details, except so far as is necessary to explain the actual condition of affairs. For greater clearness, I shall speak separately of the internal administration of the Russian provinces and of the Russian foreign policy toward the surrounding states.

RUSSIAN TURKISTAN.

The campaign of 1874, which resulted in the capture of Turkistan, Auleata, and Tashkent, was the result of a plan to unite the outlying posts of Fort Peroffsky and Vierny, and embrace thus the whole of the Kirghiz steppe, which it was at that time intended to place under the charge of a special administrator, General Ignatieff. The capture of Tashkent in 1864, by General, then Colonel, Tchernaié, was without orders from St. Petersburg. Still its union with the empire was agreed to, and Russia obtained a foot-hold in the Central Asiatic oases, which subsequent events only served to strengthen. The whole of the newly-acquired territory was placed under the charge of the governor-general of Orenburg, and General Romanoffsky was appointed governor in the place of General Tchernaié. A commission was appointed to draw up special regulations for the government of the new province in accordance with the local necessities. Before this commission had finished its work, the Russian boundaries were enlarged by the capture of Khodjent, and it was resolved to place the new provinces under a special governor-general, independent of Orenburg and Siberia, with extraordinary powers.

Lieutenant-General Kaufmann, who had just been somewhat summarily removed from Wilna, was appointed to this post, and the province of Semivitch, the capital of which is Vierny, was detached from Western Siberia, and added to the new province of Turkistan. General Kaufmann arrived in Tashkent in 1867, and on his report the new regulations, or rather the projected regulations, which had not up to that time been approved by the Emperor, were permitted to be put on trial until the end of the year 1870. The district of Zarafshan, which, after the conquest of Samarcand in 1868, remained to Russia, was, of course, not included in this project, and has therefore been governed almost arbitrarily by its commander. A new project was drawn up in 1871, but was returned for reconsideration, and when it finally reached St. Petersburg in the autumn of 1872, did not receive the Emperor's consent. Another project still, which was brought to St. Petersburg this winter by the governor-general, will also, it is understood, be rejected by the council of the empire. In this way, since the beginning of 1871, the province of Turkistan had been in an irregular position, though the administration has chiefly acted upon the basis of the project previously legally in force.

The bases of this project were the union of the civil and military powers in the same hands, and the internal administration of the native population over all matters not having a political character, by representatives, elected by them in accordance with their customs. The main features of the project were the following: The governor-general, who is at the same time the commander-in-chief of the forces, has about the same position as governor-general in other parts of the empire, and, besides that, the power, in case of need, to suspend the regulations or to make exceptions to them. He has also full power for carrying on diplomatic negotiations with the neighboring countries. Under him there are two governors of the provinces of Syr Darya and Semivitch, respectively, and the commander of the Zeraphan district not included in the regulations. The provinces are further divided into districts—five in Semivitch and eight in Syr Darya, as well as the city of Tashkent, which is constituted a separate administrative district. At the head of these districts, or Uyezds, are prefects or commandants who have the police and general supervision of all the inhabitants of the district, Russian as well as native. Originally resembling the district police officials in the governments of Russia, these prefects have come to occupy a much more powerful and independent position. The nomad population Kirghiz were divided into Volosts and Auls, the Auls comprising from one hundred to two hundred families, and the Volosts some ten

times as many. These subdivisions were governed by administrators and elders, who were chosen by the people themselves, and were under the immediate supervision of the district prefects, who had the power to change or remove them in case of failure of duty. Among the settled population, one Aksakal (lit. greybeard) or elder was chosen from each considerable village by the people themselves, and in case of cities each ward had its own Aksakal, the duties of whom, in police and administrative relations, were the same as those of the elders among the Kirghiz. Russian courts were established with jurisdiction in nearly all criminal matters and for hearing disputes between Russians or between Russians and natives. For all civil matters and for some of the lesser crimes the natives were allowed courts of their own. Among the Kirghiz or nomad population these judges were called Biis, elected by the population, and judged according to the received tribal and national traditions. In the towns, the kazis or native judges, deciding according to the Shariat or Mussulman law, were allowed to remain; but they were made elective by delegates from the population, and their importance in the eyes of the natives was much diminished. The taxes usual in these provinces under the Mussulman rule were to some extent retained, the *heradj* and *tonap*, or taxes of land and its products; the *heradj* being fixed at one-tenth of the harvest. The *zakat* or customs-duty was fixed at $2\frac{1}{2}$ per cent. on the value of all commodities imported into the country, and at the same rate on the trading capital as it had been previously established. From the nomad population there was demanded a tax of 2 rubles, 75 kopecks, on each kubitka or family.

The province of Turkistan includes something like 15,000 square geographical miles, almost equal to that of France and Italy together, and having a population of somewhat under two millions, the most thickly-settled parts of which are immediately about Vierny, Tashkent, Khodjent, and Samarcand, the remainder of the country being chiefly inhabited by nomads. Mountainous in the east and southeast, the remainder is everywhere a bare steppe, only cultivated and habitable near the water-courses. Under these circumstances, with a small Russian force, it was doubtless very difficult to establish a method of government which would work well and satisfy all parties, and it is probable that the regulations which went into force in 1867 were designed in the interests of the natives, and were calculated to give them a good government. Any failures in the workings of these regulations were probably at first owing to the ignorance of the country and of the language by the Russian officials, who were chosen among the officers even without regard to their special qualifications. In time it was found that the position of the Russians gave officials a possibility of making money for themselves, and of satisfying their pleasures at the expense of the natives, without subjecting themselves to any severe censure. * * *

It is natural, of course, that General Kaufmann should have his favorites among the Russian officers, and should be disposed to uphold them in spite of all charges of maladministration. Although the most glaring acts of maladministration have been committed by the district prefects or commanders, the general tone set by the governor-general is such as to render it almost hopeless to expect anything better. The prefects being removed, to a certain extent, from the observation and control of the center of the administration, and falling soon into the ways and methods of former Central Asiatic governments, abuse their powers, and consider themselves as almost irresponsible. A striking example of this was in the management of the Kurarnenski district, one of the most fertile and thickly settled in the whole province, and surrounding, but not including, the city of Tashkent. The prefect of this district in one year levied 90,000 rubles of illegal taxes, all of which he spent, beside other government money; and yet he resided within five miles of the house of the governor-general, and was known to be living in a style—with frequent dinners, suppers, and gambling parties—entirely impossible on his salary of 2,400 rubles a year. Among other things, savings-funds had been instituted for the benefit of the population, but by a subsequent regulation, approved by the governor-general, it had been allowed to spend them on the administrative needs of the district. This money—some 22,000 rubles—entirely disappeared, and no accounts of its expenditure could be found, except that it was said that it had been used in fitting up the house of the prefect. Money was taken from the natives at all times and under all pretenses, and a grossly-illegal order was issued, forbidding all persons to cross the river Syr Darya at any other place than the points specified in the order, threatening persons who did so with being sent to Siberia. The points specified were places belonging to friends of the prefect. When, at last, matters became too scandalous, the governor-general was obliged to take some notice, and he removed the prefect from the district; but instead of punishing him, he appointed him to another locality, stating that he considered him "a most useful officer." The prefect of the district of Peroffsky was investigated, and removed for extortion and bribery. He was then appointed to Aulie Ata, and has lately been again investigated and removed for demanding an illegal contribution from the natives on the occasion of the demand for camels for the Khivan expedition. Other persons have, in like way, been removed from one post for maladministration and immediately given another. On the other hand, any persons who endeavored to enlighten the public as to

the state of affairs were immediately punished, and the commandant of the district of Uratinbe was removed and sent out of the province for having written a letter to St. Petersburg for publication, though not at that time actually published, stating the truth about the disaffection and riots at Khodjent, alleging that they were caused by the excessive taxation, which was not what the Russians had at first promised, and not by the vaccination measures, as had been given out.

Similar instances are numerous. When the papers showing the guilt of one employé were presented to the governor-general, he tore them up without reading them. "I know this person so well, and believe him to be such an honest man, that I cannot think such things to be possible." In some cases, acts not only wrong in themselves, but bringing with them very important consequences, have been committed, not from a desire for personal gain, but from a wish to appear zealous in the performance of duties or from motives of intrigue. A case which happened last year is especially noticeable. An officer named Emmons, in possession of a considerable amount of government funds, gave information that he had been robbed by the Kirghiz. The chief Kirghiz living in the neighborhood of the alleged occurrence were arrested, and after a long examination several of them confessed their guilt, though the money could not be found. While their trial was going on Emmons committed suicide, leaving a letter, in which he stated that he was not the honest man that had been supposed, as he had himself spent the money and made that excuse to clear himself. The Kirghiz were then, of course, released, but the question arose, Why had they confessed? and on an investigation it was found that the judicial officer, Baron Jere-nitz, of Vierny, had extorted confession from them by means of torture; a practice wholly at variance with Russian law, and certainly most disastrous for Russian influence among the Kirghiz. There was another case in the same neighborhood, at Kopal, where a district prefect had been robbed, beaten, and severely wounded. As he was most deservedly unpopular for the extortions he practiced on the natives, this was not to be wondered at. Over sixty Kirghiz were accused of participating in this act, the chief of them being the Sultan Tezak, holding the rank of a major in the Russian service, the most aristocratic and respected of all the Kirghiz chiefs, and a well-known and life-long friend to Russia. The chief evidence against him was that some of the property stolen from the prefect was found in his tent. One investigation succeeded another, until a Cossack finally confessed that he had placed these articles in the tent of Tezak at the instigation of the judge himself. It is said that this was done because the judge wished to please one high official by convicting of robbery and sedition a man very much favored by another, of whom he was jealous. Among the papers of the investigating commission is a letter from the prefect to the judge with regard to the means of obtaining this evidence. For various reasons it has never been possible completely to finish the investigation, but it was thought necessary to remove the judge, and to bestow upon him a similar post in the city of Khodjent, where he is now the chief administrator of justice. The effect of such a proceeding is, of course, to make the natives thoroughly displeased with the workings of the Russian courts. Another case of the ill-advised action of the authorities, regardless of the effect produced upon the natives, occurred this last summer. When the Khivan expedition began it was necessary to obtain 14,000 camels, exactly 14 per cent. of the whole number of camels in the province, and it was agreed that in case these camels died a sum of 50 rubles would be paid for each. They had to be furnished in proper proportions by the different districts. In consequence of the hardships of the expedition nearly all the camels perished, and it became, therefore, necessary to pay a sum of 700,000 rubles. One of the prefects, thinking that he had found a good opportunity to show his zeal for the administration, and the good feeling of his district, told the population over whom he ruled that the government would never pay for these camels, and that it would be much better for them to make them a present to the administration; and by the use of proper persuasion he succeeded in accomplishing this. The example was followed in most of the other districts, and the result is that most of the inhabitants feel that they have been absolutely robbed of these camels by the government; and, to speak of nothing else, if it were necessary again to furnish camels for some new expedition, the discontent would be very great. It would, however, be unfair to charge all the bad administration upon the governor-general. The officials who flock to Tashkent are, in general, a very bad material of which to make good instruments. In some cases men come to Tashkent on account of the increased pay, and the shorter time which it is necessary to serve before arriving at a pension; others come hoping to find an opportunity of speedily enriching themselves. In most cases they come, or are sent there, because they are overburdened with debts, or because, from various scandals, they find it impossible to live in other parts of the empire. There are very few who come to Central Asia because they think it is the place to make a brilliant career. Army men, finding themselves there by accident, have made such a career, but no civilians have yet done so. So long as Tashkent is looked on in the nature of a penal colony, or a house of correction, it will be impossible to induce the best men to come there, or to persuade the men who are there to put

themselves to the best use. It is, however, to be noticed that the administration of the circle of the Zaraphan, and that of the province of Semevitch, are infinitely better than that of the Syr Darya, which is under the immediate eye of the governor-general. General Abramoff, the commander of Zaraphan, and General Kolpakofsky, the governor of Semevitch, thoroughly know the country, the latter having lived there and in Siberia nearly the whole of his life, and being well acquainted with the Kirghiz language. They seem to have a better judgment in selecting their men; there is much less corruption, and faults are more quickly ascertained and punished. General Abramoff has collected about him what are called the "Tchernaiett men"—men who have been in the province since its first capture, and who share the spirit of the general who conquered it. In spite of the bad administration the people are, on the whole, well contented with the Russian rule, finding it so much better than anything which has gone before, and their discontent is chiefly against individuals—officials and others—who harass and injure them; but it is evident that a continued series of such occurrences cannot but awaken general distrust toward the administration.

When the Russians advanced into Central Asia they found many ready to welcome them, partly because they were discontented with the law of the khan and the emir, the extortions which were practiced, and the frequent executions, and desired anything for the sake of peace and quiet. Immediately after the Russian occupation there was an immense feeling of relief—that now every man's life was his own, and that his property was secure from arbitrary taxation and seizure. Besides this, the addition of a large non-productive population caused a great demand for labor, and for the necessities and luxuries of life, and, consequently, prices began to rise, the advantages of which were felt by the land-owner and the merchant. Though the poorer class was not at first much affected, now, of course, prices, as a whole, have much risen, and it costs twice as much to support a laboring man, however little his food, as it did before the Russian occupation; but I do not believe that the common people would be able to trace this rise in prices to the fact of the Russian immigration. The mercantile class have many advantages for speculation by the large number of contracts necessary for the sustenance of the army. But these things must work in time, and it will require some skill on the part of the government to avert a general feeling of discontent. Circumstances were exactly the same during the English occupation of Kabal, but things succeeded each other there more quickly, and the English were finally obliged to retreat. The inhabitants of Central Asia are by no means like the Affghans; they are much more pacific, and less patriotic in their nature; still they naturally prefer Mohammedan rule, other things being equal, and they are now beginning to forget the evils which they suffered from the khan, and are thinking more of the evils which they suffer from the Russian officials. At the same time, however arbitrary their native rulers were, their exactions were all confined within the sphere limited by the Shariat or Mussulman law, and it was thought that there were certain principles which not even the most tyrannical bek would dare to contravene.

What is extremely annoying with regard to the Russian administration is that the natives, not understanding the peculiarities of Russian law, see no reason for any act, except the arbitrary will of the ruler, and while they are discontented with the impositions practiced by the officials, they are also discontented with the sudden and violent changes in taxation and administration, though such changes may be entirely in accordance with the law. Taxation was before regulated by the rules of the Shariat, now it is constantly changing in form, no principle having yet been adopted.

That discontent exists can be seen by intercourse with the natives, and it is evident also from one or two facts. In 1872, for instance, there was a great disturbance in Khodjent, which necessitated the action of the troops, but which was put down and the ringleaders were executed. The disturbances were supposed to be against the order for universal vaccination, this being thought to be a process for stamping men as recruits for the army. The chief cause, however, was found in the general discontent with the taxes, which had been raised instead of lowered as the Russians had promised, and were then higher than had been paid in former times.

In the same year an attack was made on the station of Kanasu, on the road between Tashkent and Khodjent. One officer was killed, and the station was destroyed. Though this was supposed to be, at first, merely an act of marauders, it was afterward found to be the work of a political conspiracy, in which many prominent natives of Tashkent had been asked to take part. The leader was an Ishan, a well-known fanatic, and his expedition of some twenty men went out quietly, found Tashkent by a roundabout way, and then fell upon the post station, with the aim of breaking the communication and exciting the country which lay beyond. The government was warned of the movement several days in advance and might easily have prevented it, but refused to act, believing that there was nothing serious on foot.

During the early spring of 1873, most of the Kirghiz inhabiting the district of Tchin-kent left the country, preferring the sands of the Kirzyl Kum desert to being under Russian rule.

So far as religion is concerned, the conduct of the Russians is deserving of the high-

est praise. Nothing has been done against the free exercise of Mohammedanism by the natives, except that the dervishes have been generally forbidden to appear in the cities, being considered disturbers of the public peace. They were in the habit, by their cries and sermons directed against the Russians, of exciting mobs in the bazaars. No efforts have been made to spread Christianity, though a church exists at Tashkent for the use of the Russians, and General Kaufmann has speedily put down all missionary projects. The consequence is that Mohammedanism, instead of growing stronger, has grown weaker. The natives have not been led to attach themselves more to their religion, because such attachment was forbidden by the Russians. On the contrary, the abolition of the native functionaries who compelled the performance of regular religious rites, and of a stated attendance at the mosques, has allowed much indifference and carelessness to creep in.

If this state of things continues, the younger generation will grow up with even skeptical notions. The clergy have seen the danger of this, and on one or two occasions have appealed to the Russian authorities to prohibit certain practices, common or gaining ground among the natives, which they have looked upon as contrary to the principles of the Koran; but the Russians, with much good sense, have refused to interfere. Sanitary measures in the cities have been taken by the Russians. Hospitals have been established, physicians appointed, to be consulted by the natives, and during the cholera times many persons gave their whole time to an organized work of disinfection and preventing the spread of the disease, with excellent results. These things the natives begin to appreciate. As far as education is concerned, the Russians have done almost nothing. In Samarcand, owing to the vigorous efforts of the commander of the city, himself a Mussulman, a small school has been opened for the instruction of Mussulman children in Russia, but neither in Tashkent, nor in any other town of the province of Syr Darya, except two small Kirghiz schools in Peroffsky and Kazalinsk, does such a school exist, nor, indeed, a school of any kind. It has been proposed once or twice to introduce the teaching of Russian and of modern knowledge into some of the Mussulman medresses or high schools, and upon the whole this project was viewed with favor by the authorities, but owing to their lack of initiative the matter has been neglected. This is to be the more regretted as few of the officials who come to the country have a knowledge of it, and the administration is consequently obliged to use as interpreters either natives who barely understand Russian, Cossacks who have a very rough knowledge of the native languages, or Tartars, who are in general the most honest or best of interpreters. The badness of the interpreters is not only a source of great trouble and confusion in dealing with the natives, but has led to some most ridiculous and even critical mistakes. The authorities of Samarcand arranged for the purchase of a lithographic press, for the purpose of making native books cheaper, and thus gradually spreading enlightenment, but this was viewed with disfavor by General Kaufmann and absolutely forbidden.

So far as the more material interests of the country are concerned, the Russians have endeavored to do well, although their efforts have sometimes failed to succeed. The roads are being greatly improved, (which seems a little strange when good roads are so almost unknown in Russia itself,) bridges are being constructed over the chief streams, and canals are being projected for the purpose of irrigation. Russian engineers, however, have yet to learn from the natives with regard to irrigation, nearly all of the last attempts in this direction having proved failures, and the great canal from the Syr-Darya, which is expected to fertilize the famished steppe between the Syr-Darya and Djizak, will probably absorb a vast amount of money and be a failure. In former days, when this steppe was cultivated to some extent, the water was brought, not from the Syr-Darya, but from the Zaraphan through a mountain-pass. For industry and commerce, the Russian administration has done comparatively little. Commercial treaties have been made with Kokand, Bokhara, Kashgar, and Khiva; but slight pains have, as yet, been taken to insure the enforcement of their stipulations. The merchants in these countries are under very great difficulties, and receive but slight protection from their government, and, in spite of provisions to the contrary, they are obliged to pay illegal duties, and the foreign commerce has not greatly increased.

In Kashgar, during the last summer, the caravan of Messrs. Inpyschoft was detained and placed under great restrictions, by order of Yakub Bek, who finally purchased some 19,000 rubles' worth of goods, but forbade his subjects to purchase more. Various projects have been proposed for starting factories for cotton-spinning and the fabrication of silk, and the government, in some cases, has lent material assistance to these and other projects; but, with the exception of a silk-spinning establishment at Khodjent belonging to a Moscow company, nothing now exists.

The agriculture and trade of the country might be, to some extent, developed by the establishment of Russian colonies; but, so far, it has not been permitted to Russians to buy land outside of the cities and engage in agriculture. Colonel Glukoffsky had an idea to establish a great fair at Tashkent, which he persuaded the government would be a great emporium for all Central Asia; and, consequently, buildings were erected on a large scale, similar to those at Nezheri Novgorod, at a distance of about

two miles from the city. When the fair, however, was opened, no one appeared to trade, and an order was then made closing the bazaar in the city of Tashkent during the whole period of the fair, with the idea of thus compelling attendance and trade there. This proving ineffectual, heavy fines were imposed upon natives and others who did not appear there, and they were even sent there under a guard of Cossacks; but even this had slight effect. The Russian merchants themselves were obliged to petition for a repeal of these orders, on the ground that if the natives were forbidden to trade in the usual way, they would be unable to pay them the money which they owed. The Russian merchants, too, found it disagreeable to be compelled to keep warehouses for their goods at the fair as well as in their private establishments, and the fair has therefore been a failure, entailing an expense upon government, during the three or four years of its existence, of nearly 400,000 rubles.

So far, I have spoken of the Russian administration with regard to the native population; but the province also bears relation to the empire. It has been rather the fashion to speak of Turkistan as almost a "promised land." What originally sent Peter the Great into Central Asia was, without doubt, the expectation that gold and other precious metals would be found there in large quantities. When Tashkent was at last occupied, people talked much of the gold and enormous mineral wealth to be obtained from the mountains, and of the vast productions of the irrigated lands. It is, however, almost impossible to develop the mineral wealth. The coal which is found near Khodjent costs almost too much to be used for fuel in Tashkent, on account of the high price of transport. As to the productions of the soil, the cost of supporting the troops is far greater than was anticipated in this fertile land. The vast trade which it was expected could be carried on with the natives does not exist at present, the statistics showing that the Central Asiatic trade has fallen off rather than increased during the last eight years. In fact, there is very little opportunity for trade. The population of Central Asia is not large; its wants are few; very little can be exported there with advantage, except prints, cotton goods, cloths, tea, and some small articles, and at present the only goods imported from Central Asia are cotton, (very bad in quality,) silk, and a few fine sheepskins, known as "Astrakhan." It is possible that a considerable trade might be developed in horse-hair and in dried fruits, and the cotton-trade might perhaps be increased, but at present the communications are so bad between this country and Europe as to render trading very difficult. From this point of view, the destruction of fourteen per cent. of the camels, the only transporting force during the late Khivan expedition, is greatly to be regretted, and this winter, and for some time to come, the prices for transport must be greatly increased. In fact, it will be very long before Central Asia as a property will be of the slightest value to Russia, and, unless great changes of administration are made, it will also be very long before it even pays for the expenses which are necessary to keep it up. A very large number of officials is maintained in the province, much larger indeed than is required by the administrative needs of the country, and to protect them, as well as to maintain order, it is necessary to have a large force of troops. There are at present in the province of Turkistan some 36,000 soldiers—according to good authority more than twice the number necessary—who cost yearly a large sum to the government. It is possible that if they were not required here, they would be required in some other part of Russia; at the same time the expenses of transport of the troops themselves and the cost of bringing to them articles of uniform and of equipment made in Russia are very great. So far, there have been only deficits in the budget of Turkistan, which have increased year by year, until in 1872 they amounted to 5,500,000 rubles, and for 1873 probably will be more than 7,000,000 rubles. The total of the income and expenditure of Turkistan for the five years from 1868 to 1872 is as follows, in rubles:

Year.	Income.	Expenditure.	Deficit.
1868	665, 922	4, 522, 429	3, 856, 507
1869	2, 356, 241	4, 223, 482	1, 877, 241
1870	2, 957, 229	5, 966, 321	3, 009, 092
1871	2, 113, 750	6, 726, 441	4, 611, 691
1872	2, 022, 286	7, 528, 627	5, 507, 341

In this are not included the preliminary expenses for the army for things which are made in Russia. These enter into the general budget of the empire, where there is no comparison of one part of the country with another, so as to show what would be properly charged to the province of Turkistan. Besides this, there was received in 1871 400,000 rubles as a war contribution from Bokhara, which is not included in the budget, but was spent without account there. The revenues of the Zaraphan circle since 1868,

about 1,500,000 rubles yearly, do not appear in the budget, being, until now, at the special disposition of the governor-general. A view may be obtained of the capacities and state of the country by analyzing a little one of the budgets—say for the year 1872. The income of the country is of two kinds: first, that coming especially from the country itself and its population; and second, that which is, as it were, moved on from Russia, produced from the Russians who live there. The local revenues amount to only 1,328,200 rubles. Of these, the personal taxes and taxes of *kibitkas* amount to 566,000 rubles. The road-tax is 154,000 rubles, and the tax on land and its products is 276,000 rubles. The duty from internal trade is 15,000 rubles. The entire indirect taxes on articles of consumption, including the duty on articles of foreign trade, amount to 224,000 rubles, to which should be added the duty on tea imported from India, amounting to 10,000 rubles. The receipts for articles paid to government, 13,000 rubles. From government property, as for instance, rents of shops in the bazaar, 32,400 rubles; and for freights on steamers of the Aral flotilla, 800 rubles. The coal taken from the government mines amounted to 4,600 rubles; but the quantity actually sold in 1872 brought in only 100 rubles. Wood and timber brought in 8,500 rubles. This shows the unproductiveness of the country, and the undeveloped state of its mineral wealth. There were collected 21,400 rubles of previous taxes; and, among smaller items, foreign passports for natives brought in 700 rubles. The revenues received chiefly from Russians were as follows: Direct taxes of various kinds, 6,200 rubles; indirect taxes, from articles of consumption, 255,000 rubles, most of which was from the excise on spirits. The taxes for rising in official rank brought in 19,000 rubles in the year. The postal revenues amounted to 44,000 rubles, and the telegraph, which was not at that time open to Tashkent, 3,000 rubles, while the sale of powder and cartridges brought in 1,200 rubles. The sale of treasury notes produced 16,000 rubles. The sale of various government property, such as medicines, useless things, and so forth, brought in 14,000 rubles; and private work at the government typography was done to the amount of 2,500 rubles. The return of money illegally obtained from the treasury, fines, and the pension capital, brought in 20,000 rubles. The chief increase in articles of revenue is in the excise on liquors, the stamp-tax on documents, and the postal revenues. The excise on liquors, and rights for the sale of liquors in 1868, was 114,000 rubles; in 1869, 129,000 rubles; in 1870, 213,000 rubles; in 1871, 240,000 rubles; and in 1872, 255,000 rubles. The stamp-tax produced, in 1868, 3,000 rubles, and in 1872, 26,000 rubles; but this was not placed on a proper basis before the year 1870. The postal revenue was only 9,800 rubles in 1868, and in 1872 was 65,300 rubles. As the natives do not use liquors to any extent, it being against the principles of the Koran, the excise is paid, of course, by the Russian population only; and as in the course of five years the produce of the tax has more than doubled, it would seem as if the Russian population had also doubled in that time. It is, however, not probable that the Russian population of Turkistan is more than 100,000, from which must be deducted the Tartars, who do not drink; consequently every Russian in the province during 1872 paid a tax of two rubles per head for the right of drinking; a large sum as compared with the usual statistics for the use of liquors in other populations. It was at first expected to unite all branches of the administration under the war department, but this was found to have a very bad effect upon the finances of the country, and it subsequently became necessary to take the finances, as well as the post, away from the control of the military. Since that time a branch of the central department has been placed in Tashkent, which has succeeded, not only in greatly reducing the expenses, but in returning to the treasury sums which have been erroneously taken from it. The main items for expenses in 1872 are as follows:

	Rubles.
1. Salaries and expenses of officials.....	802,400
2. Pay and maintenance of the army.....	3,015,200
3. Horses for the cavalry and artillery.....	1,249,100
4. Medical department of the army.....	138,800
5. Building expenses.....	205,000
6. Lighting and heating.....	252,900
7. Munitions of war.....	36,900
8. The Aral flotilla.....	57,800
9. Traveling expenses.....	129,200
10. Transportation.....	222,700
11. Postal expenses.....	696,800
12. Topography and surveying.....	29,700
14. Extra expenses.....	486,200
15. Schools.....	12,600
16. Geological and economical investigation.....	29,300
17. Provincial expenses, roads, budget, &c.....	146,100
18. Assistance to Cossack troops, &c.....	38,700
19. Various expenses.....	51,400

The total expenses amount to 7,529,627 rubles; to this should be added 500,000 rubles for the expenses for articles for the army, &c., made in other parts of Russia, but destined to this province. It will be seen that the expenses of government are very large, but it is difficult to say exactly where economy should begin. All judges of the country—men who have themselves served there—are certain that, as I before remarked, only one-half of the present number of troops is necessary, which, of course, would very materially reduce the expenses. There are also other things which, perhaps, are not great in themselves, but which mount up to a large sum. For instance, the expenses of the Tashkent fair, during 1872, amounted to 150,000 rubles—an expense utterly useless and uncalled for. The sum of 30,000 rubles is expended on the repairing and keeping up the house and garden of the governor-general; 30,000 rubles a year is also given to the horse-breeding establishment, which, though if properly cared for might be of some service to the country, is not an absolute necessity, and serves merely as a comfortable berth for certain members of the governor-general's chancery. When the province of Turkistan was formed into a separate governor-generalship it was thought that it might probably reduce the expenses of Orenburg and Western Siberia, but experience has shown that the expenses of these provinces are not at all diminished, and we have the addition of very large sums to keep up the officials, and staffs of officials, who are now in Tashkent. As Turkistan is a separate governor-generalship and military district, it must have all the central administrations, in order that it may be entirely independent of others. Thus there is a central administration of artillery, a central administration of the army, a central administration of the finances, &c., which could be quite as well managed at Orenburg or Orusk. General Tehernaieff, who certainly knew the country as well as any one else, in a long and able report, which he made last year to the minister of finance, expressed his strong opinion that it would be advisable, on financial as well as on political grounds, to return to the old order of things, to abolish the office of governor-general, and to restore the province of Turkistan to the governor-general of Orenburg.

At the time of the march of the Russian troops to Tashkent it was thought that it would be of great advantage to occupy the fertile oases of Central Asia, for one reason among others, that it would be so much easier and cheaper to support the troops. It is questionable, however, whether this has proved to be the case. In 1872 the treasury spent for the provision of the army 972,777 rubles, which, with an average of 30,000 enlisted men, would cost 32½ rubles per man, and in these figures are only included flour and groats. The expense, therefore, is enormous, but it is easily understood when we see that a quarter of flour costs in Tashkent from 10 to 12 rubles, which in almost any province of European Russia would be considered a famine price. The maintenance of the cavalry is still dearer. The number of horses belonging to the government in the whole district is between 4,000 and 5,000, and 1,000,000 rubles is spent for forage, consequently about 200 rubles a horse, yet this is the country where we are constantly told that the harvest is sometimes eighty to one hundred fold, and that twice a year, while clover and hay can be cut four times a year. Although cattle-raising is the main occupation of the Central-Asiatic steppes, yet the government pays not less than 2 rubles 40 kopecks for a pood (35 pounds) of beef or mutton, a price which would even be dear where cattle-breeding was unknown. There is one curious thing in connection with the prices paid for provisions. Grain is dear because there is a tax of 10 per cent. on the products of the land. The government, in 1872, received as the produce of that tax 276,000 rubles, and at the same time it spent about 2,000,000 rubles for provisions. It therefore must have paid itself, in the province of Syr Darya, at least 150,000 rubles of this tax from one hand into the other. The remainder of the sum received, therefore, 126,000 rubles, must have fallen on the population, which in the province of Syr Darya is not less than 800,000. Eight hundred thousand people, therefore, were supported on 1,250,000 rubles, while 30,000 troops required 2,000,000 rubles, from which it would seem that something must be wrong with the commissariat or the financial system. It is evident from the foregoing that Turkistan is not, and will not be for some time to come, a self-sustaining province; but, at the same time, such a result could hardly be expected in the nine or ten years that the Russians have had possession of the country. The primary objects which led to the occupation of Central Asia were rather military than financial, and so long as the province is considered valuable from a military and political point of view, the financial burden must be borne. It seems, however, difficult to expect great ultimate profit from the country, from any point of view; the utmost that can be desired in this case is that strict economy be practiced, the expenses of the country so far as is possible reduced, and its capacities developed, so as to diminish the burden as much as possible. Many wars will constantly be made, and the Russians will have to go further on, not with the desire of conquest, but from circumstances over which they have no control; for in such a case it is always necessary to maintain the prestige of the country, and not allow the neighboring powers to take advantage of any seeming weakness or hesitancy.

On the whole, the Russian influence is beneficial in Central Asia, not only to the in-

habitants, but to the world, and it certainly is greatly for our interest that a counterpoise should exist there against the extension of English dominion in Asia. Having once taken possession of the country, it will be almost impossible for the Russians, with any fairness to the natives, to withdraw from it.

THE RUSSIAN FOREIGN POLICY IN CENTRAL ASIA.

It can hardly be said that the Russians have a fixed policy in Asia. The government at St. Petersburg has been always sincerely desirous of refraining from conquests and extension of dominion in Central Asia, but circumstances have compelled them often to take the aggressive, and conquests having been once made, it has been found to be impossible to give them up, without a certain loss of prestige. It has, of course, been desired to extend the Russian influence as far as possible, by peaceful means, and to do the best that was possible for the interests of commerce. One general after another has seen himself obliged to keep up the credit of Russian arms, and attack a native government. The reasons which led him to this course have at last been found good at St. Petersburg, although it was regretted that such necessity had arisen, and the conquests which he made were retained. The policy has thus been a floating one, subject entirely to circumstances.

I am convinced that there is not the slightest desire or intention to make any attack upon India, but naturally the Russians would dislike to see England extending her influence nearer than it now does to Central Asia, and it is possible that at some time differences might arise with regard to the English policy in Kashgar. English criticism, however, and English diplomatic interference have had much effect upon the Russian policy. There is a strong objection felt in the foreign office to take steps of any kind in Central Asia, lest some difficulty with England might arise from them, and the consequence is that the general governor does not always have the possibility of acting in the way which he thinks best suits the state of affairs. Russia, apparently, does not feel herself strong enough to take her own course without regard to what England might say or think. As to the special policy of the governor-general, as distinguished from that of his government, it would seem to be to play the part of the pacificator of Central Asia. With this view treaties have been made with various states, though little care has been taken that they be kept after having, in the opinion of the world, reduced the surrounding khanates to a state of vassalage. The Khivan expedition was undertaken to keep up this view, and round off the whole by a successful military expedition, which would put down the last elements of disorder in Central Asia. How far such a policy has been successful will be seen by considering the relations with each country separately. The diplomatic intercourse between Russia and the independent countries of Central Asia is under the control of the governor-general, who is assisted by a diplomatic employé, (until the end of 1873, Mr. Strave, now diplomatic agent and consul-general at Japan, and since that time Mr. Weinberg.) There are no residents or other diplomatic or political agents in the various countries. Kokand has an envoy constantly living at Tashkent, and Bokhara has had one there at various times. The political employé, sometimes alone, and sometimes in connection with other officers, has made occasional visits to Bokhara and to Kokand, and all the diplomatic affairs are in his hands. A special envoy, Baron Kaulbars, was at one time sent to Kashgar, to conclude a treaty of peace. Though the governor-general has, to a certain extent, full powers in diplomatic matters, they are subject to the general jurisdiction of the Asiatic department of the foreign office, though that department is, in fact, very badly informed as to what actually goes on in Central Asia.

1st. *Kokand*.—By the capture of Tashkent, the adjoining country, and of Khodjent, or Kokand City, but then under Bokharan rule in 1866, the khan of Kokand was restricted to a very small portion of his former territory, his sway having previously extended to the mouth of the Syr Darya, and he was left to govern a small but fertile territory, completely surrounded by mountains except on the western side near Khodjent. It was at first expected to take also the province of Namangan, confining Kokand to the south of the rivers Naryn and Syr Darya, and General Romanoffsky was exceedingly desirous of rounding off his conquests by the occupation of the city of Kokand and the conquest of the whole country; but shrewd advice given to the khan made him send congratulations to the Russians on the capture of Khodjent, and as there was no cause for war General Romanoffsky was reluctantly compelled for the time to desist. He was soon after removed, and as the policy indicated at St. Petersburg has been always against fresh conquests, and nothing occurred on the side of Kokand to render advance absolutely necessary in that direction, the country has been untouched since that time. A treaty of commerce was concluded in 1868, by which Russian merchants were to have protection and free permission to travel in Khokan, and that only 2½ per cent. duty was to be imposed on exports or imports. The impression was given at St. Petersburg, by the signature of this treaty and by the reports from Tashkent, that Khokan was in a perfectly vassal position to Russia, but this is far from being the case. The treaty has been by no means carefully

observed. Duties amounting to nearly 6 per cent. are constantly imposed, and the remonstrances of the Russian government have been unheeded. The khan is entirely hostile to Russia, and objections are made to traveling in the country. The Russian merchants resident there are under the severest restrictions. One was attacked and nearly killed, and though the fact was well known, the khan was never brought to answer for it. Of course there were reasons for this inaction on the part of the Russian authorities. It was not desired to make a war without absolute necessity, as it would be disapproved of at St. Petersburg, and it was still less desired to show that the policy pursued to Khokan had been ineffectual in bringing about the desired end. Open force used toward the khan might be improperly explained, and give rise to questions and criticism, especially on the part of England, which the foreign office was very anxious to avoid. At the same time, had the governor-general been fully informed of the state of the case, or had a different policy been pursued, it would have been perfectly easy to have reduced Khokan to a vassal position without publicity, or calling for the slightest notice from England. It would only have been necessary to have taken a leaf from English history in India, to have sent a resident agent to Khokan, protected by a guard of Cossacks, who might have been paid either by the Russian or by the Khokan government. About them, a Russian colony of merchants and others would have been naturally formed, the people of Khokan would have become accustomed to Russians, and at the same time would never have dared to insult or molest them, and the government of Khokan would have found itself obliged implicitly to follow the command of the governor-general which reached him as a suggestion of the resident agent.

After pursuing a policy of this kind for several years, it would be perfectly easy, if necessary, on the death of the khan, or even without that, to quietly unite the province with the Russian dominions. This is admitted by many at Tashkent.

The people of Khokan are much better disposed to the Russians than the khan himself; but, hostile as he is, his army is worthless, badly disciplined, and worse armed. Should it for any reason become necessary for the Russians to take Khokan, the country could be captured in a week with a battalion of men, and could be very easily held. Certain advantages would accrue to the Russians from the occupation of the country. Khokan, for its size, is rich; and, owing to the avarice of the khan, he has a vast amount of private property, which would of course come to the treasury. Thus, for example, he owns all the bazaars in the khanate, the revenues of which would go into the Russian treasury and avoid the necessity of imposing high taxes. It is not at all unlikely that the Russians will soon be obliged to take possession of Khokan, as the state of affairs there is now very bad; the people are taxed beyond measure, and many of them have been for years hostile to the khan. During my visit in July a rebellion broke out among the Kirghiz in the southern mountains, on account of illegal taxation. The troops were sent out by the khan, and the rebels were worsted in one or two skirmishes, but they soon gathered head again, and, owing to the immense number of summary executions by the khan, found partisans everywhere. They captured Ush. Andijarn, Urzgent, and other cities, and were prepared to join with the Kiptchaks, a tribe living in the north, also indisposed to the khan. At this juncture the khan sent to Tashkent for Russian aid, but it was refused. At the same time the Kirghiz intimated to the Russians that they would be much better pleased to be under Russian rule than under the khan, and begged the Russians to march in. No step, however, was taken, and as the cold weather approached the khan again got the upper hand. During the winter all seems to be quiet, but it is expected that in early spring the affair will burst out again, and it is very doubtful whether the khan will be able to retain the throne from which he has already twice been driven.

2d. *Bokhara*.—The relations of Russia to Bokhara were always much pleasanter than those with the other Central Asiatic countries. Since the time of Peter the Great embassies were constantly exchanged, and the caravan trade has been unrestricted until the capture of Tashkent. The Emir of Bokhara then took up a hostile position and imprisoned the Russian envoys, but being defeated in the battle of Irdjar, and Khodjent being taken from him, he released the envoys and made peace. Renewed plotting in Tashkent, and a continual hostile disposition, with the massing of a large army on the frontier, forced the Russians again to march against him in 1868, when Samarcand and the valley of the Zaraphan as far as Rattakurgan were taken. A treaty was made by which the emir was bound to pay a heavy contribution, and it was expected to restore to him the province which he had lost. This, however, was not done, and subsequently a commercial treaty, similar to that made with Khokan, was negotiated. The capture of Samarcand and the disastrous peace excited great discontent against the emir among his own subjects, especially among the fanatical Mussulman party; and his eldest son, the Katta Tiura, heir to the throne, was induced to take up arms against him. The emir, who is naturally timid, feared to lose his throne entirely, and called upon the Russians for assistance. General Kaufmann, finding a good opportunity to convince the emir that his intentions were peaceful and that he had no

desire to conquer the country, sent an expedition under General Abramoff to Karshi, which was immediately taken. The Katta Tiura was defeated and fled to Khiva, but subsequently went to Kashgar, where he remained, half deprived of his liberty, until the present summer, when an embassy, sent by Shir Ali, of Afghanistan, persuaded Yakub Bek to release him, and he went to Cabool, where, it is said, he will marry the daughter of Shir Ali. Having held the city of Karshi for two days, the Russians evacuated it, delivered it up to the emir, and returned to Samarcand.

In 1870 troubles arose with the semi-independent bekships of Shahr-i-sabz, a little to the south of Samarcand. Accusations were made that a certain official of that bekship had been implicated in the murder of a Russian djigit, and on a refusal to give him up Shahr-i-sabz was taken by the Russians after a severe fight, and both the Beks, Djura Bek and Baba Bek, fled to Khokan. These beks were immediately delivered up by the Khokan authorities, were brought to Tashkent, and kept at first under surveillance. After the capture of Shahr-i-sabz, it was found on investigation that the native official was innocent, and that the Russians were entirely wrong in the matter; but instead of restoring the country to its rulers, they gave it up to the emir of Bokhara, who had nominally a claim upon it, and retired, forcing the emir, however, to agree to pay the excited beks a subsidy of about 2,000 rubles a year. The surrender, both of Shahr-i-sabz and of Karshi, was made against the wish, and in spite of the protest, of the native population, who much preferred to remain under Russian rule than to return again to that of the emir. In spite of these benefits conferred upon the emir, of numerous friendly embassies, and of other means taken to assure him of the friendliness of the Russians, he likes them no better in his heart, though his experience of their strength leads him as far as possible to avoid causes of conflict. He has, however, made no efforts to carry out the treaty of commerce, the Russian merchants being treated very much in the same way as in Khokan, and for two years he has not paid to the exiled beks of Shahr-i-sabz the sums due to them, in spite of repeated requests from the Tashkent authorities. It is strange that these requests have not been made in a more forcible form, but it is probable that it was feared that the emir might be hostile during the Khivan expedition. When the Khivan expedition started, there was general fear in Bokhara that it was directed also against that city, and merchants even sent away their property and came to Samarcand to be out of harm's way. At one time the terror was so great that the population proposed to seize upon the emir and deliver him up to the Russians. The emir, however, professed friendliness toward the Russians, met them at the frontier with messengers and presents, and sent an envoy with the expedition. He furnished a certain amount of provisions and camels, though, with the exception of a small present, these were sold at high prices, and not given away. He further held himself ready to take advantage of any circumstances favorable to himself, and while he was sending kind words and worn-out camels to the Russians, he was giving his blessing and opening his purse to three Turcoman chiefs who left Bokhara for Khiva. The Russian authorities considered it best, however, to wink at his conduct and to reward his friendliness and the equanimity with which he regarded the establishment of a Russian fortress, Saint George, at Rhalata, within the Bokharan territory, by bestowing upon him a narrow strip of country on the right bank of the Oxus, which was in dispute between him and Khiva. Nothing had been said in the commercial treaty with regard to slavery or the slave-trade, but it was impressed upon the Bokharan authorities that the Russians disapproved of this shameful traffic, and desired its immediate cessation. In consequence of this, the Bokharans gave out to the Russians that the trade in slaves (the slaves here are all Persians,) had entirely ceased, and dust was thrown in the eyes of the Russian officials who came to Bokhara, so that the diplomatic employé made a report to General Kaufmann some two years ago, in which he stated that, after careful investigation, he was convinced that, in deference to the wish and principles of Russia, the slave-trade had entirely ceased. Merchants, however, who had better opportunities of seeing, knew that it was going on in full force, but their reports were disbelieved in Tashkent. Mr. Petroffsky, the agent of the ministry of finance, was in Bokhara in 1872, and having seen with his own eyes the sale of Persian slaves at the bazaar, he made a strong report to General Kaufmann, but no notice was taken of it. When I was in Bokhara in August I also saw the open sale of slaves at the bazaar, and openly purchased one. The authorities, however, became alarmed at this, knowing that I could thus prove their duplicity to the Russians, and took him away from me.

I thereupon bought another, through one of my servants, and brought him with me to Tashkent, and subsequently to St. Petersburg. This caused a great scandal at Samarcand and Tashkent, as it occurred at the very time when news came that General Kaufmann had caused the release of Persian slaves at Khiva; but the act was viewed with favor by most persons, official and otherwise, for it was considered that I had given the government actual proof of the existence of the forbidden traffic. Some of the more outspoken partisans of the governor-general were displeased, thinking that my action was intended as an innuendo against himself.

After the return of the Russian troops from Khiva it was found necessary to make

a new treaty with Bokhara with regard to the cession of the small strip of land on the Oxus, already spoken of, and an article was inserted in this treaty by which the slave-trade was henceforth utterly abolished in Bokhara. At the same time the commercial treaty was renewed, granting the Russians additional privileges in the khanate. It is, however, not the making of treaties in these countries, but the enforcement of them, which is important, and it remains to be seen whether the present treaty will be kept any better than the preceding one. It seems to me, and I think the same would be evident to any one who understood well the present position of affairs in Central Asia, that the Russians must eventually occupy the whole country as far as the Oxus, and, possibly, as far as the Hindu-Kush. The arrangements made last year with England with regard to the boundary of Afghanistan imply that if Russia came up to the Oxus nothing would be said, but if it will be necessary for Russia to occupy Bokhara, the sooner it is done the better, for many reasons. So far as Russian commerce is concerned, the occupation of Bokhara would certainly be very advantageous; for the Bazaar of Bokhara is the trade-center of the whole of Central Asia, and unless Russian commerce is subject to fewer restrictions, and makes greater efforts, it will be entirely crowded out of Bokhara by the English; for even now large quantities of English wares are imported there by way of Afghanistan. Should any difficulty arise between the emir and the Russians, the country would probably rise against him and side with the Russians, for he is very much detested. Plots are constantly going on, and many secret messengers have come to Tashkent with letters from influential personages, the beks of Shahr-i-sabz, and even intimate friends of the emir, begging for Russian aid, and requesting that, if the Russians were unwilling to occupy the country, they would, at least, change the ruler. These petitions, however, have been thus far disregarded. Should the Russians wish to interfere in the internal affairs of the country, they have instruments in their hands in the two beks of Shahr-i-sabz, who were very popular in their own country, and in Seid Khan, the nephew of the emir, now in Tashkent, who claims to be the rightful heir to the throne. Though a man of no force, and feeble intellect, his position would make him useful to the Russians.

3d. *Khiva*.—The relations between Russia and Khiva have always been more or less unfriendly since the two countries came into communication. The Cossacks on the Ural made several freebooting expeditions in early years, led by stories of great wealth at Khiva, but were always repulsed. The information which Peter the Great received about the riches of these countries, and about the existence of gold along the Oxus, (it had not yet been found in the Ural Mountains,) led him to send an expedition to Khiva, under command of Prince Tcheskasky Bekovitch. After having accomplished his mission, the prince was deceived by the khan, and he, and nearly all of his army, were treacherously murdered. As the Russian boundary-countries became more settled the Khivans became more troublesome, not only of themselves but through their influence on the Kirghiz, and the Russians were continually being robbed on the shores of the Caspian and banks of the Aral, and murdered or carried into captivity and sold as slaves in Khiva. Missions were sent to them at various times, but were usually unsuccessful, and in the winter of 1839-40, General Peraffsky, the governor-general of Orenburg, led an expedition against Khiva; but fate was against the Russians, and the army suffered so much from cold and the loss of transport and provisions, that it was obliged to retreat, and the expedition was an utter failure. Even after the success of the Russians against Khokan and Bokhara, the Khivans were no more amenable, and continued their predatory attacks. The letters of the governor-general were treated with disdain, and no arrangement could be made. In 1869 they stirred up the Kirghiz to mutiny and caused the Russians great trouble in the country to the south of Orenburg, and it was finally resolved that such a state of affairs must cease. Several years, however, were spent in useless efforts to persuade the khan to deliver up his captures and discontinue his proceedings, and in small expeditions and surveys into the steppe from the side of the Caspian, from the mouth of the Syr Darya, and to the north of Bokhara and the Kizylkurn desert. It was thought that in the autumn of 1872, Colonel Markorzoff, who commanded the surveying expedition from Fort Krasnovodsk on the Caspian, would reach Khiva and probably take it; but unfortunately, through some carelessness, he lost most of his camels and was obliged to retreat when half-way there. It was therefore decided to fit out a complete expedition against the khan. General Kaufmann at first proposed that there should be two detachments or expeditions, one composed of troops from the Caucasus to go from Krasnovodsk direct to Khiva, and the other, under his own command, from Tashkent, the two expeditions to meet at Khiva. General Kirzhanopky, the governor-general of Orenburg, happened to be in St. Petersburg at the time, and explained to the government the great danger of such a course; that unless there was an expedition from Orenburg, the Kirghiz steppe would be open, and that the Khivans, assisted by their friends, the Turcomans, could make an attack on the great postal route to Tashkent, and even disturb the Ural and Orenburg districts. General Kaufmann therefore reluctantly decided to allow an expedition of Orenburg troops, under command of General Veref-

kin, governor of the Ural Cossacks, to go along the west side of the Aral Sea, and sent another detachment south from Kozalinsk, which was to meet his own expedition at the Oxus. It was hoped that these expeditions would all meet each other before Khiva, and that then General Kaufmann would easily be able to capture the city. A few changes, however, were afterward introduced. On account of the failures in obtaining camels, the expedition from the Caspian was divided into two: one, under command of Colonel Lomakin, starting from Fort Alexandrofsky, and the other under command of Colonel Markorzoff, from Tchikishlar, at the mouth of the Atrek.

The expedition of Colonel Markorzoff, owing to the haste with which he advanced, he being actuated by a desire to reach Khiva first and take it before the other expeditions came up, proved a complete failure, his men suffering extremely from the heat and want of water, and he was obliged to retire after having buried his cannon in the sand and thrown his muskets away. The muskets were subsequently brought in by the Kirghiz. The expedition of Markorzoff, however, did some service in keeping down the Tekke Turcomans. The expedition from Kazalinsk, with which was the Grand Duke Nicholas Constantinevitch, finding the expedition under General Kaufmann did not come on so fast as was expected, turned to the left, and met it at Aristan Bel'kuduk. The expedition of General Kaufmann, which had left Djzzak on March 26, met with most unpropitious weather, and when it arrived at Khalata about the 1st of May, stopped for a fortnight to combine forces, and then started through a perfectly unknown desert to the Oxus, near Utch Ugatch. This march of about one hundred miles was one of extreme hardship; there was great suffering from want of water and from heat; nearly all of the camels perished, and the officers and men were obliged to throw away most of their baggage and camp equipments. General Kaufmann himself was almost in despair, and there was a time when he was afraid that the whole expedition would perish in the sands. Once arrived at the Oxus, affairs were better, and going down the right bank to Sherrakhana, with two small skirmishes with the Turcomans, the enemy on the opposite bank was dislodged, the river was crossed, and Hazarasts and other places were taken and the success of the expedition was assured. In the mean time the Orenburg expedition of General Verefkin marched with almost no difficulty along the west coast of the Aral Sea to Kungzad, where it was joined by the detachment under the command of Colonel Lomakin. There were then several small fights with the Turcomans, and the army arrived in front of Khiva, when, hearing nothing from General Kaufmann, and a heavy fire being kept upon them from the city, they were obliged to take the gate by assault. In the mean time the khan had sent messengers to General Kaufmann to surrender him the city, and communication was established with General Verefkin, and he received orders to cease firing if he were not attacked, as the city would be surrendered. This he did, but the firing from the city was continued, and at last a handful of men took the citadel by storm, but had barely done so when they heard that General Kaufmann, having received the surrender from the authorities, was marching in at the other side. The khan himself had taken flight, and his brother was released from prison and temporarily placed upon the throne. Messengers having been sent to the khan, he soon returned and was replaced in authority, subject to a council or *Dwain*, of which two-thirds of the members were Russians. The result of these expeditions against Khiva was very curious, for it showed that the march of the detachments from Tashkent and from the Caspian was almost useless. No troops had been sent across the Oxus to meet General Kaufmann, it being taken for granted that he would perish in the desert. The only opposition of any strength was shown to General Verefkin, against whom all of the army was sent, with the exception of a small body left to guard the crossing of the Oxus at Sherrakhana. The Orenburg expedition, therefore, which had been assented to merely to protect the steppe against the Turcomans, was the only expedition which found a good road, met with few disasters, beat the enemy, arrived safely, and captured the city. Had the advice of the authorities at Orenburg been followed at first, no other expedition would have been necessary, and Khiva would have been taken quietly, without noise, and without the consequent diplomatic unpleasantness.

A contribution of some 2,200,000 rubles was laid upon the khan, but as his income amounted to but 400,000 rubles a year, it was estimated that it would require at least twenty years to pay this. Khiva having been punished, the aim of the expedition was really over, and the promise of the Emperor, given to the English government by Count Schuvaloff, that after punishing the khan the Russian armies would retire, had to be carried out. A part of the contribution, however, had been laid upon the Turcoman tribes, whom it was also desired to punish for the part they had taken in the war. It would perhaps have been wiser to have passed this in silence, for the Turcomans, in so far as the war was concerned, were nominally subjects of the khan and in his service. They fought against the expedition of Orenburg, but after being beaten off they were for a month upon the most friendly terms possible, and the small detachments which were sent out for geological and surveying purposes passed nights and days in the Turcomans' encampments with perfect safety.

The opinion of the officers from Orenburg, who think very highly of the Turco-

mans, is that they would strictly have adhered to the peace which had been signed. It was, however, necessary to have some action in which the Tashkent expedition could distinguish itself and receive its share of honors and rewards, the glory of the affair having been so far to the Orenburg-Caucasus expeditions alone. After imposing the contribution upon the Turcomans, General Kaufmann called to himself the elders of the Yomud tribe, and informed them that they should pay within two weeks a part of this sum, and time would be given for payment of the rest, and detained a portion of them as hostages until the first payment was made. Instead of waiting for the two weeks, he immediately sent out a detachment, commanded by General Golavatchoff, to ascertain the probability of this payment. General Golavatchoff immediately began to attack the Turcoman villages and encampments, burned the houses, destroyed the wagons of household stores, and spread devastation generally among them. The Turcomans were of course exceedingly angry at this, and complained to the detachment of Orenburg, which was then on its retreat, saying that if they were not so friendly with General Kaufmann now would be just the time to fall together upon General Golavatchoff's expedition, and utterly annihilate it. At last, at Illyalli, there was an attack of Turcomans on General Golavatchoff's camp, in which, after great disorder, the Russians were successful, and the Turcomans retreated. After this the Yomuds abandoned their country and marched off into the desert, being, however, thoroughly angry, and ready at the first opportunity to renew their attacks, and indisposed to keep any peace that might be made. This attack on the Turcomans was, as General Krizhanoffsky, the governor-general of Orenburg, informed me, quite uncalled for, and likely to lead to serious results. "It will now be necessary," he said, "for us to have expeditions against the Turcomans for many years. It will be a second Caucasus, and in the end we shall find ourselves obliged to take Mero, which would immediately lead to complications with England." The reports and propositions of General Kaufmann having been approved by the Emperor, a treaty of peace was made with Khiva on the 24th August, 1873, which reduced that country entirely to a vassal condition. The whole delta and the right bank of the Oxus were ceded to Russia, in order to protect the Russian steppe and to secure the performance of the stipulations with regard to trade. The Oxus was closed to all vessels except Russian or Khivan, the Russian merchants were allowed perfect freedom of commerce in the khanate, with liberty to purchase and hold property; a heavy contribution of 2,200,000 rubles was imposed, to be paid in twenty years by installments; a Russian fortress was built at Sturakana, under the name of Petro Alexandrofsk, and a portion of the right bank of the Oxus was, as I have said before, ceded to Bokhara by Russia. The garrison at the fortress was under command of Colonel Ivanoff, who has the powers of governor of the aury darya cayon.

It would seem as if the prediction of General Kryzhanoffsky was being accomplished. The Turcomans, during this winter, have given much trouble to the Russian garrison at Petro Alexandrofsk, and intelligence has just reached St. Petersburg that the Yomuds attempted to cross the Oxus on the ice to the fort, but were repulsed with heavy loss on account of the breaking of the ice. It is said, also, that the khan of Khiva has broken the treaty and joined the Yomuds; and Colonel Ivanoff has asked for re-enforcements. As the Turcomans have also appeared in the steppe between the Caspian and Aral, orders have been sent to General Kryzhanoffsky to send three detachments into the steppe, and it is said that a large expedition is on foot for the spring.

4th. *Afghanistan*.—The direct relations between Russia and Afghanistan had been very few, being chiefly confined to the interchange of some letters of politeness. The letters sent by the Russians are always accompanied by an English translation for the greater convenience of the Indian authorities, to whom, it is presumed, they are transmitted. The former emir, and now pretender to the throne of Kabool, Aboul Rahman Khan, who escaped to Samarcand after his defeat in Afghanistan, still lives there, receiving a pension of 20,000 rubles a year from the Russian government, and being counted in the Russian service. Some two years ago he petitioned General Kaufmann to grant him 100,000 rubles, saying that with that he would be able to re-assert his rights to the throne and put down Shir Ali; but this request was refused. As Aboul Rahman Khan lives very economically, he will soon be able to have the required money from his savings. He is in constant correspondence with Afghanistan, and professes to think that on his appearance there will at once be a revolution in his favor. He has asked several times for permission to go to St. Petersburg, but it has always been refused. It is probable that the friendly reception given by Shir Ali to the Katta Tiura, the eldest son of the Emir of Bokhara, will cause difficulties with that country, and, eventually, with Russia. The fixing of the Oxus as the boundary between Afghanistan and the countries under Russian influence was done by the foreign office at St. Petersburg, in 1873, though General Kaufmann was in St. Petersburg at the time.

5th. *Kashgar*, Djitishaar, (seven cities,) or Eastern Turkistan, was formerly a portion of what was called Chinese Tartary; but in the years 1863 and 1864 there was a rebellion of the Mussulman inhabitants against the Chinese rulers. Before the Chinese

occupation, the country had been governed by khodjas, who afterward took refuge in Khokan, but occasionally made attempts at insurrection. When the great rebellion broke out one of these men returned to Kashgar, and was put at the head of the movement. Yakub Bek, a native of Iskent, near Tashkent, who was formerly an officer under the Kahn of Khokand and was commander of Akmetchet (now Fort Peroffsky) when it was taken by the Russians in 1853, associated himself with the khodja, and succeeded by his skill and daring in utterly overthrowing the Chinese after a very bloody struggle. He then found means to get rid of the khodja, and asserted his power in the country, taking the title of Atalyk Ghazi, and has since that time extended his dominions by the capture of various Chinese and Dungan cities, (the last taken being Urumtsi and Manass,) until now he nearly surrounds the province of Kuldja.

The old enmity of Yakub Bek to the Russians still continued, and Russian merchants who dared to enter Khokand in spite of the insults and restrictions, often suffered severely. The Russians, on their part, did not wish to recognize at first the independence of what they considered a revolted Chinese province, and although at various times they sent officers for certain negotiations, they were careful not to recognize Yakub Bek as the legal ruler of the country. In 1872 Yakub Bek had become so hostile to Russia that an expedition was resolved upon. A military road had been built through the Thian Shian mountains and Naryn Pass, and stores of goods were accumulated at Fort Naryn for use in the expedition. Yakub Bek, however, changed his tactics, and a peace was agreed upon with Baron Kaulbars, which was ratified by General Kaufmann and the government at St. Petersburg. The treaty was exactly similar in form and contents to the commercial treaties with Khokand and Bokhara. During the last summer an envoy from the Khan of Kashgar was sent to the Emperor at St. Petersburg, the first who has been received, and Yakub Bek is therefore formally recognized as the Khan of Kashgar. At the same time, however, the caravan of Messrs. Pupyshoff was undergoing hard treatment in Kashgar by order of Yakub Bek. The constant negotiations with England have also given the Russian authorities some alarm, for Kashgar is much nearer to Russian possessions than it is to India, and much more easy of access, the passes being not so difficult. It is very probable, therefore, that an expedition will be fitted out in the spring against Kashgar. A pretext will probably be found in the treatment of Russian merchants, and it is the intention to demand damages to the amount of 15,000 rubles, and a fine besides of 10,000 rubles more. Of course, if Yakub Bek refused to pay this, the expedition would start at once.

6th. Kuldja.—The province of Kuldja is a very rich and fertile valley lying on both sides of the river Ili, and inclosed between the different ranges of the Thian-Shian. The inhabitants are of very different races. There were the native Kalmuks and Dungsans, the latter, a race, Chinese by origin, and using the Chinese language, and wearing the Chinese dress, but by religion Mussulmans since many hundred years; Tarantchis, who were simply the ordinary Turki Mussulmans, originally captives, colonized over from Kashgar, or Chinese Turkistan, after its occupation; and various Chinese colonists, Soloni and Libos, brought there from other parts of the Chinese empire, and the Chinese and Mantchu soldiers and officers of every grade. The country was very wealthy and the population enormous. When the Dungan insurrection broke out in Eastern Turkistan it extended to Kuldja, where the Tarantchis united with their co-religionists in throwing off the Chinese rule. After a struggle of two years the rebellion was entirely successful, and the last city, Mantchu-Kuldja, with 75,000 inhabitants and 75,000 garrison, was taken. On the night of the assault there was not a single person of Chinese blood alive in the town; those who had not escaped to the steppe to die there of hunger having been killed. The massacres throughout the whole province were enormous, but some 300,000 colonists being on the Ili, escaped over the Russian borders, and were fed and taken care of and subsequently were allowed to return to provinces still under Chinese rule. The Dungsans at first had the ascendancy, but after some time the Tarantchis, discontented with them on account of the difference of race and speech, rose against them, and seized upon the government for themselves.

The Russians, perhaps unwisely, did not interfere in any of these contests, though a large force of observation was stationed near Bora Khudzir, on the frontier. The Tarantchi Sultan was unable to keep order either within or without his dominions, and there were constant predatory attacks upon the Russian Kirghiz, and numerous herds of cattle and flocks of sheep were stolen. Such things excited difficulties and caused reprisals, and at last an embassy was sent to Kuldja, when it was thought that the sultan would come to terms. As he was unable to give any guarantee for good behavior, in 1871 it was found necessary to compel him to do so by force of arms. After a campaign of a few weeks the Kuldja army was entirely beaten, and the sultan surrendered and was sent to live at Vierny. Since that time the Russians have been in occupation of the country, and the Chinese have to some extent begun to return there. The state of the province is most lamentable. What was once a fertile country is now

almost a waste, and it is there that one can best understand the devastation that passed over Central Asia in the Middle Ages. On the road from the frontier to old Kuldja I passed eight ruined cities, formerly large, populous, and wealthy, without now a single inhabitant; in many of them the walls of the houses with their paintings and decorations still standing. The hatred of the different races to each other still continues, though at present they live peacefully enough; but the Mussulmans say that if the Russians should withdraw they will immediately kill all the Chinese who remain. The capture of Kuldja was probably brought about as much from fear that Yakub Bek intended to conquer the country, which would have been disagreeable, as there would then have been simply an imaginary boundary in the open country separating the two countries, as from the disorders produced by the unruly inhabitants of Kuldja; but, as the government at St. Petersburg had no desire to enlarge the Russian boundaries in that direction, an offer was made to the Chinese government to re-occupy the country, and it was said that Kuldja would be surrendered the moment the Chinese force became sufficient to maintain order. The Chinese professed their momentary inability to send such a force, and although it has been said at various times that they would now be ready to re-occupy the country, it still remains in Russian hands, and its future is undecided.

It is to be hoped, however, for the benefit of humanity and civilization, that the country will remain in Russian hands and will be open to Russian colonization. It is by far, in every respect, the richest, best, and most beautiful part of Central Asia; besides a very fertile soil, the mountains abound in minerals, and excellent cannel coal is the only fuel. The Drzian-Drziur, or Chinese governor, nominally at Kuldja, resides at Tchugutchak, in the Chinese province, to the north of Kuldja, and frequent differences have arisen between him and the Russians, through acts of marauding and his interference with Kalmucks and others still in Kuldja, and of course in Russian Turkistan. It is not, however, supposed that anything serious will result from this, but orders have been given to resort to more extreme measures if necessary.

I have, &c.,

EUGENE SCHUYLER.

Hon. MARSHALL JEWELL, &c.

NOTE.

When I was in Samarcand, I had a long interview with Abdul Rahman Khan, the deposed Afghan prince, and among other things the conversation touched upon the relations of Afghanistan to India. As to himself, Abdul Rahman Khan felt sure that he need only declare himself to have the population entirely on his side, saying that Shir Ali was detested by all the Afghans for his complaisance toward England. I asked him if the subsidy given to Shir Ali by the English had any effect upon the feelings of the Afghans. He said to make them well-disposed to England it has no effect at all, though it possibly may have an effect upon Shir Ali personally. If the English were to give Afghanistan the whole revenues of India, they would not love the English the better. I then asked him whether, in case of a war between any other country and England, and an attack was made on India, the Afghans would be willing to join in it. He said that if word was given to the Afghans that an attack was to be made against the English in India, and they were convinced that the war was not against India but against the English domination there, they would willingly join in this without any subsidy, or the necessity of much urging.

If what Abdul Rahman Khan said is true, it would seem possible for a foreign power at war with England to create for her serious difficulties in her Indian possessions.

No. 525.

Mr. Jewell to Mr. Fish.

No. 49.]

LEGATION OF THE UNITED STATES,
St. Petersburg, March 13, 1874. (Received April 2.)

SIR: Referring to my dispatch No. 33 of the 27th January, I have the honor to inclose to you herewith a copy of a note received from Mr. de Westmann, informing me that His Majesty the Emperor has authorized the landing at Vladivostok of the expedition to observe the transit of Venus. Vladivostok being a free port, all merchandise, with the exception of spirituous liquors, will be admitted free of duty.

I have, &c.,

MARSHALL JEWELL.

[Inclosure in No 49.—Translation.]

*Mr. Westmann to Mr. Jewell.*ST. PETERSBURG, *Februarg* 28, 1874.

SIR: As a sequel to my note of the 15th ultimo, No. 127, in relation to the scientific expedition which the Federal Government desires to send to Vladivostok for the purpose of observing the transit of Venus which is to take place in the course of the year 1874, I have the honor to inform you that, on the report of the acting minister of the marine, His Majesty the Emperor has deigned to authorize the landing of this expedition at Vladivostok. I think it proper for me to add that, Vladivostok being a free port, all goods, with the exception of spirituous liquors, are admitted there without payment of duties.

I avail myself of this occasion to renew to you, sir, the assurances of my most distinguished consideration.

WESTMANN.

Mr. MARSHALL JEWELL, &c.

No. 526.

Mr. Jewell to Mr. Fish.

No. 71.]

LEGATION OF THE UNITED STATES,
St. Petersburg, May 11, 1874. (Received May 28.)

SIR: The tendency towards inflation in the United States, which I notice with regret, has led me to observe the financial condition and prospects of this country with some care, as Russia and the United States are in one particular similarly situated, both being in a state of suspension of specie payments.

The value of a metallic ruble is $38\frac{3}{4}$ pence sterling. To-day the market value of a paper ruble is a trifle over 33 pence, thus making specie about 15 per cent. above paper. The paper ruble was a few years ago down to 25 pence, thus making gold, as we should call it, over 150. This was when the government was building their first railroads and importing all their materials. Exchange has steadily gone up for several years. Since my arrival it has advanced from 32 to $33\frac{1}{4}$. While it fluctuates somewhat, the tendency decidedly is to advance. When it gets to $38\frac{3}{4}$ paper will be on a par with gold.

The only currency of this country is government paper, which is issued by the Imperial Bank alone. There is no gold or pure silver in circulation. This Imperial Bank issues ruble notes in denominations of 1, 3, 5, 10, 15, 25, 50, and 100 rubles, and for small change, 5, 10, 15, and 20 kopek pieces, which are of silver alloyed sufficiently to keep them in circulation.

The financial business of the empire is managed by the Imperial Bank. The capital of this bank is 20,000,000 rubles, with a surplus from its earnings of 3,000,000 rubles. This 20,000,000 rubles appears to have been set aside by the imperial treasury on which to do a general banking business for the accommodation of Russian citizens. While it is entirely owned and controlled by the state, it is a bank of discount, exchange, deposit, and circulation. The amount of notes now in circulation is about 785,000,000 rubles, though the amount varies from day to day, like that of the Bank of England. These notes are issued at the pleasure of the minister of finance, and there is no limit to or control over them except such as is exercised by him. This bank always keeps a reserve of bullion in its vaults against the issue of notes, but is governed by no rule which is known to the public. This bullion at present amounts to about 212,000,000 rubles, so that the government gets the

benefit of the entire circulation in this country over and above the bullion kept in this bank. These notes have always been below par, and amount to about $9\frac{1}{2}$ rubles *per capita* of the population, or about one-third the *per capita* circulation in our country.

While our population is but one-half that of Russia, the amount of the business of our country is doubtless three or four times as great. But a small proportion of the business of this country is done by bills of exchange, checks, or notes. Paper rubles are mainly the medium of exchange, and as distances here are very great, these notes are absorbed very rapidly, and yet, there appears to be plenty of notes in circulation for the use of the nation. Nobody talks or cares about specie. All taxes and customs-duties are paid in paper. There is no price for gold, as such; it is not wanted by the public, and is therefore not bought, sold, or quoted. Still, paper and gold are, and have been, constantly nearing each other for years, and if peace continues and crops prove good, the natural growth and development of the empire must necessarily bring the ruble notes to a specie value at no distant date, provided the minister of finance does not increase the circulation, which, however, unfortunately for the country, is not kept within any particular limits, though it is much less now than at some former periods. I believe, during the Crimean war, there were issued one or two hundred millions more than are at present in circulation, so that the general tendency is to reduce rather than to increase the currency of the country.

The business of this Imperial Bank is enormous, the deposits amounting at the present time to about 200,000,000 rubles. It pays interest at the rate of 3 per cent. on large current accounts, which amount to about 100,000,000 rubles of credit balances, and pays 3, 4, or $4\frac{1}{2}$ per cent. on certificates of deposit, which amount to about 40,000,000 rubles, and the balance, or about 60,000,000 rubles, is made up of small accounts, on which no interest is computed. The plan of issuing bills appears to be, that when the government is short of money for its current expenses, it directs this bank to issue more currency and deliver it to the treasury department, the bank simply charging it up to the treasury.

If paper be in excess of the wants of the community, it appears to go to this bank for redemption in the way of current business, and to be filed away in the vaults and credited to the circulation-account of the treasury.

It also buys gold and bullion at all times, but these purchases do not appear to be on its own account but on account of the treasury department, so that it charges up to circulation-account the entire circulation, and credits the same account with the bullion which it buys with the government money. Thus showing at all times the exact amount of circulation and bullion which it publishes at stated periods for public information. To-day the total amount of circulation in the entire Empire of Russia is 785,279,669 rubles, against which the Imperial Bank holds in its vaults on circulation-account, to the credit of the government, 212,193,273 rubles 77 kopeks of bullion.

Besides the regular business of banking, the Imperial Bank acts as a sort of safe-deposit bank, *i. e.*, for a very small consideration it receives and gives receipts for and places in its vaults for safe-keeping any valuable papers or public funds which owners wish to deposit with it. At the present time, by the published reports, the Imperial Bank has in these vaults belonging to the public, on which it has made no advances, bonds amounting to more than 363,000,000 rubles.

Considering that this government extends in an east and west line five or six thousand miles, and that its population is nearly 80,000,000

of people, and that the entire business of the empire is, outside the large cities, almost exclusively transacted in these ruble notes which pass from hand to hand, and that the only limit to the circulation of the Imperial Bank is the current demand for it, the present amount of circulation would seem to measure to some extent the actual needs for all business purposes of a circulating medium.

Banks have sprung up in different parts of the empire during the last few years with great rapidity, as a natural result of the system. Up to this date, none of them have failed, though some do not enjoy the best of credit and are engaged in enterprises which are decidedly speculative. None of these banks have any circulation, though one of the largest in this city is authorized by its charter to issue notes bearing 4 per cent. interest, but has never availed itself of the privilege. The modern system of finance which has made some inroads here, by which I mean the inflation of credit by accommodation paper, has helped to support these institutions and enable them to earn in some cases large profits.

The resources of this country resemble ours even more than its system of finance.

The indications are that Russia will import less and export more each year for the near future. The empire has plenty of the best of anthracite coals and iron, and will soon reach the most productive beds of each by railroad. When these are properly worked the importation of coal, which now comes in a great measure from England, must cease, and the production of iron be both increased and cheapened.

Great as are the mineral resources of Russia, its agricultural capacity is perhaps still greater, and may equal, if not exceed, that of the United States.

The building of railroads across the steppe, which is as productive as, and not unlike, the prairies of our West, and which exists for thousands of miles in an east and west line, will enable this country to compete with the world in the exportation of agricultural products; so that, like the United States, all it need do to get on a firm specie-paying basis, and that very quickly, is to cease the inflation of the circulation of the country, adding to the development of its mineral resources, and as fast as the railways and population will permit, adding to its agricultural exports.

Coal-oils also exist in the greatest abundance in many parts of the empire. Heretofore this material, which is in great demand, has come entirely from the United States, petroleum being by far the largest item in our shipments to this country, except cotton. The probabilities are that the Russians will find plenty of it on their own territory, and that our shipments will cease within a year or two at the most.

I inclose herewith a statement of the public debt of Russia, by which it will be seen to be about 2,030,000,000 rubles, or about \$1,350,000,000, a paper ruble being worth about 66 cents. This is made up from the statistics for January 1, 1873, and probably has varied but little since that time. It is estimated that less than half the bonded debt is held in Russia. Their 5-per cent. bonds stand at 96, and the 6-per cent. at about 110. As it will be seen, these bonds are of two kinds, part on a metallic basis and part on a currency basis. All the bonds which are payable abroad are payable, of course, in specie, and the government not getting specie as we do for duties on imports, buys specie when it needs it in the market for the payment of specie coupons.

It appears to be the policy of this government to reduce their debt very little, if any. It is the policy of Russia to develop the resources of the empire by constructing railroads, which can only be done with govern-

ment assistance. Most roads now in existence are thus sustained. The government guarantee 5 per cent. on their entire cost. But two roads in the empire earned this 5 per cent. last year; the average was about 3 per cent. The difference which the government made up to the stockholders was, in 1872, 15,888,972 rubles. The total amount on which this guarantee existed I am unable to state, but it must be very large, and is constantly increasing, and should be taken into account in estimating the public debt. The government hopes and believes that the roads will ultimately be able to earn this 5 per cent., when it will be relieved from this great burden, which, however, is compensated by the advantages which the roads afford. Concessions for new roads are being given out by the government at the present time. They now adopt the policy of paying this 5 per cent. interest from the time the stockholder pays for his stock or bonds. Two roads not long since, which were placed upon the market, were largely over subscribed, in one instance about ten times, and in the other instance about forty-two times; and the last road, which was put on the market a few days since and which has created a great *furor* of speculation, was over-subscribed to the extent of more than one hundred and seventy-four times, thus causing to be paid into the public treasury on the day of the subscription to the stock, on which 10 per cent. was called in, a sum sufficient to complete the road seventeen times over. This money has, of course, been paid back to the subscribers where they were not permitted to have the whole amount of the stock for which they subscribed. All this not only indicates an abundance of capital, full faith in the government, and an approval on the part of capitalists of this plan for building railways, but shows that an abundant amount of paper currency is in circulation on which to do this tremendous speculative business, as well as the ordinary business of the country, though it is but just to say that, while these subscriptions and speculations have been going on, the mercantile and commercial houses have found it very difficult to obtain money on their bills at the imperial banks or discount-houses. Many of the subscribers to these roads had such faith that the stock would immediately advance upon the closing of the subscription-books as to be willing to pay from two to five per cent. per week for the use of the money with which to subscribe, but, like all such speculations, what was confidently anticipated was exactly the thing which did not occur. The stock of this very road which was so largely over-subscribed is now below par. The proprietors, however, expect to make their money by profits as contractors.

History is repeating itself singularly not only in railroad but in oil speculations in this country. One company is now placing its stock on the market for 7,500,000 rubles, and it is being rapidly taken up.

I have, &c.,

MARSHALL JEWELL.

[Inclosure.]

Statement of Russian debt January 1, 1872.

I. CONSOLIDATED DEBT.

I. Payable at fixed term:

	Rubles.
I. Internal	157,718,126
II. External	272,420,400
	430,138,526

II. Without term :		Rubles.
I. Internal.....	281,479,475	
11. External.....	202,714,965	
		484,194,440
Total		914,332,966
This was reduced in 1872 by (1) 1,523,000, Holland florins £567,000, (2) 1,907,760 metallic rubles, and (3) 6,360,827 paper rubles.....		
		13,456,266
Consolidated debt 1st January, 1873.....		900,876,700
II. UNINSCRIBED DEBT.		
January 1, 1872	463,673,009	
Increased in 1872 by.....	101,134,266	
		564,807,275
III. CIRCULATION OF IMPERIAL BANK.		
January 1, 1873	724,214,040	
Less coin	158,127,643	
		566,086,397
Total amount of debt January 1, 1873.....		2,031,770,372
Or \$1,354,513,582.		

No. 527.

Mr. Jewell to Mr. Fish.

No. 73.]

LEGATION OF THE UNITED STATES,
St. Petersburg, May 13, 1874. (Received June 9.)

SIR: I have the honor to inclose herewith an extract from the *St. Petersburg Zeitung* of May 10, 1874, together with a translation of same upon the subject of the Hebrews in Roumania.

The treatment of the Jews by this government is so different from that of our own as to be the cause of no little trouble at this legation, and everything which appears in print bearing upon the subject of the relation of the United States to the Hebrew race is read with interest and commented upon in official circles; and while this letter from Bucharest does not in any way affect this legation, I send it to you as part of the current history of the day at this capital.

I have, &c.,

MARSHALL JEWELL.

[Inclosure.—Translation.]

[From the *St. Petersburg Zeitung*, No. 110, May 10, 1874.]

BUCHAREST, *May 1.*

The situation of the Israelites in Roumania, on whom the attention of Europe had been again drawn lately, on account of the law concerning spirituous liquors, has grown rather worse instead of getting improved, for the circumstance that the "liberals" of the land, always hostile to them, are opposing every humanitarian attempt of the Roumanian government by rendering it suspected of yielding to a foreign pressure.

Now again, as before, the agitator in behalf of the Israelites, Mr. Peicotto, American consul-general, has imprudently furnished the best weapons to the "liberals" by giving notice, in a demonstrative manner, through the consular secretary, of discontinuing his subscription to the paper *La Romanie*, which, in a series of articles, attempted to prove the impossibility of equal rights for the Israelites so long as they

continue to be not only a religious but also politically separate community—in fact, a nation among nations.

The Romanie has the following remarks on the subject: "We regret that such decision had been taken, since Mr. Peicotto had been himself the mover of the diplomatic complaints raised against Roumania with reference to the Hebrew question; and it seemed but just to us that he should know our disinterested and impartial (?) views in the way of our defense to the end, and the practical conclusions we intend to establish therefrom, excusing us if an expression did not sometimes quite convey our thought. Should a lively word have possibly escaped from our quick pen that might hurt his religious opinions, we respectfully beg to apologize for it."

No. 528.

Mr. Jewell to Mr. Fish.

No. 77.]

LEGATION OF THE UNITED STATES,
St. Petersburg, May 20, 1874. (Received June 9.)

SIR: I have the honor to inclose you an extract from the St. Petersburg Zeitung of May 8, 1874, upon the subject of the emigration of the Mennonites. I have also the honor to inclose you an English translation of the extract referred to.

So much has been said, both in Europe and America, respecting the emigration of these people, that it has attracted, to a considerable extent, the attention of the Russian government and people.

Not long since, General Todleben, who occupies a very influential position in Russia, particularly in the southern part of it, and who, being of German extraction and speaking German fluently, is perhaps the most influential and proper man to be found in the empire to confer with the Mennonites, was sent to them, in order, as I understand, to find out their difficulties, and ascertain what, if any, concessions this government should make to them in order to prevent their emigration.

The result of General Todleben's mission, from which he has not yet returned, is of course a matter of some speculation; yet it is generally understood here that the prospects of the emigration of these people are very much less than they were.

I may mention that among other things which General Todleben was authorized to offer the Mennonites, is immunity from carrying a musket; and should they be called upon to enter the military service of Russia, they shall be employed only in such sanitary and hospital occupations as may be compatible with their creed as non-combatants.

One of the influential leaders of the Mennonites, who has lately returned from the United States, is, according to report, against their emigration, because, among other reasons, they have failed to receive such information from the agents whom they had sent in advance as they expected to receive. I am inclined to think, however, that the difficulty was not so much on the part of our people as it was in consequence of the faithlessness or incapacity of these agents.

I have received letters from Germany in connection with this matter, from parties who I suppose are either Mennonites themselves, or represent that people, asking my assistance in the matter, and stating that, while the Russian government has ordered their officials to grant them the necessary passports, yet the agents of the government upon the spot appear to throw every possible impediment in their way, causing the intended emigrants loss both of time and money.

From the foregoing facts I am of opinion that the emigration of Mennonites to the United States will be much smaller than is anticipated,

though probably some families, and possibly communities, may leave this country.

I have, of course, declined to take any steps in the matter, and shall continue to decline unless I receive direct orders from you.

As a further indication that Russia does not mean to lose any considerable body of people by emigration, if she can avoid it, I would state the fact that within the last few month rumors have come to this government that a very large proportion of the Tartar element in the southern portion of Russia desire to leave, and go either to Turkey or Germany, I do not know which. This government at once dispatched General Woronzoff, the former governor-general of Odessa, who speaks Tartar and is popular among them, to dissuade them from doing so; and I learn that he has been entirely successful in his mission.

I have, &c.,

MARSHALL JEWELL.

[Inclosure.—Translation.]

[From the St. Petersburg Zeitung, No. 108, May 8, 1874.]

EMIGRATION OF THE MENNONITES.

The Pall Mall Gazette says: The Senate of the United States of America had passed the first reading of a bill giving parcels of land to the Mennonites emigrating from Russia. A decided opposition to the same had been raised on the ground that it was against the established political maxim of the Government to lay aside part of the public domain for the entry and exclusive use of a religious sect, and that the Mennonites were leaving Russia to escape a general obligation to military service, from which they hope to be free in the United States. On the other hand, the advocates of the bill (granting 160 acres of land to each member of the Mennonite colony) say that the Mennonites are a moral, industrious, and energetic people, and altogether a class of emigrants highly desirable.

The Pall Mall proceeds to say: "In the mean time these peaceable dissidents are evincing a great deal of good sense by preferring to stay on their lands in Southern Russia until a possession of land is formally guaranteed to them in the United States."

If this intelligence be true, and the bill now before the United States Senate should not pass, no better solution of this important question in favor of our Russian country could be desired—a solution that could hardly have been expected when that restlessness and a desire to emigrate had taken hold of the Mennonites and had assumed a feverish character.

Every excessive action, however, is of necessity followed by a reaction, the more surely if the former had been an artificial one. So, according to best intelligence we receive from private sources, it now seems that the voice of those more considerate and reflecting among the Mennonites, namely, of the juniors and of laymen, who in truth make up their majority, has begun to assert itself and more and more to prevail. The stiff obstinacy of old leaders, who have insisted on emigration from Russia once before, and now again are refusing all concession to the spirit of the times and its demands with reference to the general military obligation, is no longer permitted to decide matters alone; on the contrary, there are those who reflect and examine into the conditions under which they should render those modified military, or, properly, sanitary services as required. As yet the number of Mennonites who have finally decided on emigration comprises only 300 families in the district of Berdjauka, and 100 families in that of Mariopol, all of whom intend to make their new homes partly in Kansas, partly in Minnesota and Dakota.

Under the above circumstances the mission of General Todleben assumes a greater importance, and is promising best prospects for success. In the interests of us all, it is desirable that the Mennonites should be brought to remain in our land. Surely, as an agricultural population, they are an element not to be undervalued; and from the oldest times, such of the states as came to lose such sects and parties, who for the sake of their religious or political convictions were ready to sacrifice even their native home, have lost a most important element of their population; indeed, that of their best, vigorous men, men imbued with principles.

No. 529.

Mr. Jewell to Mr. Fish.

No. 92.]

LEGATION OF THE UNITED STATES,
St. Petersburg, June 22, 1874. (Received July 8.)

SIR: I have the honor to report a few particulars regarding a visit I made to Cronstadt the other day, as, though I did not so intend it, my visit partook of a semi-official character.

I intimated to the minister of war that I should be glad to visit Cronstadt and its outer fortifications, and named a day which would be convenient. He at once telegraphed to the commandant of the post to extend to me some civilities, and on June 16 I paid my proposed visit, and on my arrival was received by an adjutant, who accompanied me to the commandant, to whom I paid my respects, after which he placed a cutter at my disposal, and directed that I should be shown everything in Cronstadt which I wanted to see.

They hoisted the American colors on the cutter, and when we passed any vessel or battery our flag was saluted. We visited the corvette *Vitiaz*, which had just returned from a four-years' cruise. Our flag received a salute of fifteen guns, during the firing of which the corvette also hoisted the American colors; all of which tokens of friendship and respect to our flag I did not fail, I trust, to properly acknowledge.

The thing which struck me most forcibly was the lavish expenditure of money which this government is making for offensive as well as defensive warfare.

The iron-clad monitor *Peter the Great*, which has been in process of construction for four years, is a monster in size and strength, its dimensions being 339 feet in length, with a breadth of beam of 59 feet. She is being fitted with 14-inch plate outside, inside of which is teak of 8 inches in thickness, and still inside of this is iron-plating, 6 inches thick.

At the time of my visit there were 700 men at work upon this vessel, and as soon as the machinery is ready to put in, which will be in a few weeks, 300 additional workmen will be put on.

The two new forts in the harbor, Fort Constantine and what is now designated Fort No. 3, are the most expensive affairs of the kind that I have ever seen, as well as perhaps the most extensive, as both of these forts are erected upon artificial islands of several acres in extent, in what was originally four to six fathoms of water. Each of these islands has been brought in small quantities, load by load, from a distance on the Finnish coast of from thirty to one hundred miles; a very expensive way, it struck me, of making an island.

Fort Constantine has five batteries of Krupp's 9-inch and 11-inch guns, in heavy iron casemates facing the outer channel, and is nearly completed. Fourteen or fifteen years have been occupied in the construction of this fort.

Fort No. 3, though the artificial island is less in extent than Fort Constantine, covers some six acres of ground, and is being mounted with six batteries in revolving turrets. This has been about eight years in process of construction, and it is thought will be completed in about ten or twelve more. The engine and boilers for moving the six-turret batteries are already in their places, and the batteries themselves almost completed, though the guns are not yet mounted, nor are the batteries covered; for the plan for covering them to make them shot and shell proof has not yet been decided upon, but they say that they propose to

invent some iron covering which, when proved suitable for their purpose, they will have made at the imperial factory in Siberia, though I conclude that they will not do this until their railways are more complete, as at present the only means of transporting the thousands of tons of iron plates necessary to cover this immense surface would be across the country by sledges in winter. The expense of doing this makes any outlay I have ever witnessed in the United States, in the way of defenses, utterly insignificant; and I could not help thinking, as I saw the thousands of men working to place that little island in a state of security, what a very different state of things would exist if there were an economical Congress by which the appropriations must be passed before these men could be paid. As the commandant of the post remarked to me, there is an immense struggle going on in Cronstadt between nature and money, but the Russians are confident that money will eventually win. Nature having done nothing at all toward making the port impregnable, money must do all the more; and what with the soil, which is very bad for foundations, the cold, which is almost equally so, and the distance from which all material must be brought, the struggle between these two elements, if I may so call them, has been a very long one, and but for the fact that the resources of Russia are only equaled by the determination of the government to place its capital beyond peradventure, it would seem a hopeless task.

I was not a little interested with the imperial yacht, the *Derjawa*, in which the Emperor proceeded from Holland to England on his late visit, and which stuck in the mud so long at Flushing. This vessel is about 1,800 tons measurement, and cost, it is said, about £500,000 sterling. It is a model of naval architecture, according to the Russian standard. My prominent idea in regard to it is that it is immensely and uselessly expensive, and it is always manned and ready for sea, and can be used only by the Emperor in person, which must of course be on very rare occasions; and I thought that the remark made to me by one of the Russian officers, when he asked me how I liked it, was very significant. I answered that I liked it very much. "I have no doubt," he continued, "that you are more pleased to see this outlay in Russia than you would be if it were in the United States." I told him in reply that we had a body of men in our country who checked such expenditure; at which remark he significantly said, "I wish we had."

Altogether I was very much interested with what I saw, and was much impressed with the gigantic efforts this government is making to become a great commercial and maritime power, and was of course pleased with the attention shown to me personally, and also with the respect paid to our flag; all of which I have not failed to acknowledge in the proper quarter.

I have, &c.,

MARSHALL JEWELL.

No. 530.

Mr. Jewell to Mr. Fish.

No 109.]

LEGATION OF THE UNITED STATES,
St. Petersburg, July 18, 1874. (Received August 6.)

SIR: I have the honor to inform you that, after several days' delay and postponement, I have this day been accorded an audience by His Imperial Majesty at Zarskœ Selo.

According to previous notification a carriage was in waiting for me at the station; apartments at the palace were placed at my disposal, and a handsome breakfast and lunch were provided.

The interview took place in the Emperor's private cabinet, and I was informed by the master of ceremonies that the Emperor received me there as a token of intimacy and friendship, the Japanese minister having been formally received in the hall of ceremonies.

The Emperor said that he regretted to hear of my departure from Russia after so brief a residence, as we were just beginning to get acquainted; but that he noticed I had been called to a cabinet-office as Postmaster-General, which he should judge, in a country of so great an extent as ours, would be a very important and laborious position.

In reply, I said that such was the case; and that the President, in communicating to me this appointment, begged me to take leave of His Imperial Majesty at the earliest possible moment, and that my letters of recall would be presented by the chargé d'affaires after my departure. I said also that I was directed to assure him of the continued friendship of the United States for Russia, and that I carried with me the most pleasant recollection of my stay here.

The Emperor proceeded to say that he trusted I had enjoyed my residence in Russia; that his friendship for the United States was always the same; and that at all times it gave him pleasure to meet the American representatives.

After some unimportant conversation His Imperial Majesty shook hands and bade me good-by, still talking; and partly called me back to say that he hoped at some future time to have the pleasure of seeing me again as a representative at his court. After this he again shook hands and bade me good-by once more, wishing me *bon voyage*.

Knowing that this interview would occupy the entire day, I had previously taken leave of Mr. De Westmann at the foreign office, when, in accordance with instructions, I presented Mr. Schuyler as chargé d'affaires after to-day. I have now handed over to him the archives of the legation.

I have, &c.,

MARSHALL JEWELL.

No. 531.

Mr. Schuyler to Mr. Fish.

No. 6.]

LEGATION OF THE UNITED STATES,
St. Petersburg, July 31, 1874. (Received August 18.)

SIR: The recent changes in the government are productive of much comment.

Count Shuvaloff, the head of the secret police and a most intimate and trusted friend of the Emperor, has been appointed ambassador at London. The appointment was widely known here, as well as in England, even before the usual permission had been asked of the Queen by an autograph letter from the Emperor, though, until a formal answer is received, the nomination will not be gazetted. * * * * *

General Potapoff, the present governor-general of the northwestern provinces, stationed at Wilna, is named director of the third section in Count Shuvaloff's place. He has already served in the secret police as assistant director, and was subsequently ataman of the Cossacks of

the Don. Judging from this appointment, it is not probable that there will be much change in the spirit which actuates this department. The governor-generalship at Wilna is to be given to Count Albedinsky, formerly governor-general of the Baltic provinces.

A few days ago Count Bobrinsky, the minister of ways of communication, was removed. The removal of Count Bobrinsky had been long foreseen, as he had got into a bitter quarrel with the minister of finances, growing out of the new method of subscriptions for railway concessions, which was very detrimental to the financial interests of the empire. The new minister of ways of communication is Admiral Posiëtt, well known in America as having accompanied the Grand Duke Alexis thither. His appointment is very favorably regarded by the press and by the commercial world. It is expected that he will pay more attention than the late minister did to the question of water-communications, and especially to the enlargement of the Marie Canal, which connects the Volga with the Baltic, and gives facility to the grain-trade, and to the construction of a good commercial port at St. Petersburg, which is very necessary, and has long engaged public attention. Two other questions will also occupy the new minister—the construction of a railroad from Nijni-Novgorod through Kazan to Siberia, and the regulation of the freight tariff on the railways. At present the tariff is so arranged that a great portion of Russian produce seeks an outlet at Königsberg and Memel rather than through Russian ports.

I have, &c.,

EUGENE SCHUYLER.

No. 532.

Mr. Schuyler to Mr. Fish.

No. 10.]

LEGATION OF THE UNITED STATES,
St. Petersburg, August 12, 1874. (Received August 31.)

SIR: I have the honor to inclose to you two copies of an extract from the leading article of the Journal de St. Petersbourg, of to-day, with reference to a proposed or rumored cession of the northern provinces of Mexico to the United States.

I am, &c.,

EUGENE SCHUYLER.

[Inclosure.—Translation.]

[Extract from the Journal de St. Petersbourg, August 12, 1874.]

According to a number of foreign journals there is a plan on foot for the annexation of several provinces of Mexico to the United States. Overtures are said to have been made by the Mexican government to that of Washington for the cession of all the territory situated north of a line drawn directly from the mouth of the Rio Grande to the Pacific Ocean, and the proposition is to be submitted, with great probability of its being adopted, to Congress during its next session. A number of the heaviest capitalists and of the boldest speculators in California are said to have already commenced a search for mines in the territories which are to be ceded. Several mines in Lower California have already changed hands, and engineers have been sent to Sonora and Chihuahua.

This project has already been discussed by the San Francisco journals. "It is evident," says the Commercial Herald, "that this news has produced deep sensation here, and that it is generally credited. By this cession the United States would acquire possession of Nuevo Leon, Coahuila, Chihuahua, Sonora, Lower California, and of a part of the States of Sinaloa and Durango.

"It is probable that the postponement of the final decision of the Mexican-American commission was based upon this cession, and it is not impossible that the Mexican government has been influenced by the attitude of the Government of the United States in relation to Mexican incursions into our territory. Mexico wants money, the States in question are far from the capital, and are connected therewith neither by railway nor by any other convenient means of communication; these States, therefore, cannot be controlled by the federal authorities, and are almost constantly in open revolt. It is in these reasons that the cause of the present determination of the Mexican government must be sought."

"It remains to be seen," says the Nord, in referring to this subject, "with what degree of favor these offers will be received at Washington, where several of the considerations which have induced the Mexican government to propose this cession—the distance, the lack of communication, &c.—may be brought up as grounds for their rejection. It is true that the immense resources of the United States would enable them to overcome these difficulties more easily than Mexico could."

No. 533.

Mr. Schuyler to Mr. Fish.

No. 16.]

LEGATION OF THE UNITED STATES,
St. Petersburg, August 20, 1874. (Received September 9.)

SIR: During the last few days the chief object of political interest here has been the proposition from Germany for the recognition of the present government of Spain. It is understood that most of the European powers, including England, France, Italy, and Austria, have agreed with Germany as to the propriety of such recognition. The Russian government, however, has refused to change its present attitude, on the ground that the government of Marshal Serrano has no legal basis. It has even been said here that no recognition will be given until the government has been sanctioned by a Cortes.

The attitude of Russia does not, however, arise from sympathy with Don Carlos. An envoy from Don Carlos was lately in St. Petersburg, and was refused an audience with the Emperor, though the letters he brought were received.

I have, &c.,

EUGENE SCHUYLER.

No. 534.

Mr. Schuyler to Mr. Fish.

No. 19.]

LEGATION OF THE UNITED STATES,
St. Petersburg, August 29, 1874. (Received September 17.)

SIR: I have the honor to inform you that yesterday, in the Winter Palace, the marriage was solemnized, according both to the Russian orthodox and Lutheran rites, of His Imperial Highness the Grand Duke Vladimir Alexandrovitch, the second son of the Emperor, with the Duchess Marie of Mecklenburg-Schwerin, eldest daughter of the reigning grand duke of Mecklenburg-Schwerin. The diplomatic body was present at the ceremony, by ukase of the Emperor. The bride will take the title of Her Imperial Highness the Grand Duchess Maria Pavlovna. The Grand Duchess will retain the Lutheran religion. This is worthy of note, as hitherto the Russian laws have required the wives of all grand dukes to adopt the orthodox Russian faith.

I have, &c.,

EUGENE SCHUYLER.

S P A I N.

No. 535.

General Sickles to Mr. Fish.

No. 782.]

UNITED STATES LEGATION IN SPAIN,
Madrid, October 27, 1873. (Received November 14.)

SIR : The official gazette of this date publishes the decree, a copy and translation of which are inclosed herewith, announcing the visit of the minister of ultramar to Cuba and Porto Rico. The preamble contains an interesting statement of the motives and objects of the mission, to which I beg to invite your attention.

I am, &c.,

D. E. SICKLES.

[Inclosure.—Translation.]

Decree of October 14, 1873, directing the colonial secretary to visit Cuba and Porto Rico. Published in "La Gaceta de Madrid," October 27, 1873.

PRESIDENCY OF THE EXECUTIVE POWER OF THE REPUBLIC.

Decree.

The firm resolution of the government of the republic to re-establish public order and peace in the peninsula is even more strongly held in so far as concerns those provinces whose remoteness from the mother-country calls for her greater solicitude and her first care.

The island of Cuba is perturbed by an insensate rebellion which seeks to menace the integrity of our territory, and which finds means of self-prolongation in the rigor of the climate and the nature of the country; and the action of the government toward it must needs be vigorous and decisive, in order to put an end at all costs to a struggle the continuance of which deprives the island of the blessings of peace, renders impossible the development of its resources, and is a constant obstacle to the inauguration of the reforms demanded alike by humanity and civilization.

Its financial situation is, moreover, grave; and the exhaustion of public credit and the increasing want of confidence, joined to the needs the treasury is in, to realize every possible source of income in order to put an end to such a state of things, make it indispensable that the finance department promptly present an organized plan which will yield the government resources whereby to pacify the island and at the same time give it the means whereby the charges imposed on the province may redound to its prosperity and good.

The problem of slavery no less urgently demands a speedy solution. The government hopes that this grave matter, so intimately related to the social and financial tranquillity of the island, will be settled by means of the concourse and agreement of all; for the fact must not be forgotten that public opinion awaits with growing anxiety the day of abolition.

The republic, faithful to its principles, has given the widest latitude to the reforms which carried to Porto Rico the spirit of the revolution of September. Slavery there has disappeared; the first title of the constitution recognizes that the sons of that province enjoy the same rights as their brethren of the peninsula, and the government which aspires to the completion of its work needs due knowledge of the results of such transcendental innovations.

But for the realization of its purpose the executive power needs to form an accurate judgment without confining its attention to the diverse opinions of the enlightened consultative corporations and of the most worthy authorities of the Antilles; and therefore it has decided that the colonial minister shall visit those provinces, shall inform himself as to their necessities, and shall decide upon or prepare the proper measures to assure their peace and prosperity.

The government looks for such great results from this determination, that it has not

hesitated to accept the generous offer of one of its own members, resting assured that all those who love the name of Spain will see that, while progress demands certain reforms and public opinion exacts the fulfillment of certain promises, the republic holds nothing, absolutely nothing, superior to the integrity of the nation.

In view of these considerations, the government of the republic decrees as follows:

ARTICLE I. The colonial minister shall visit the island of Cuba with the object of studying the means of putting an end to the present insurrection therein, of bettering its financial situation, of preparing for the abolition of slavery, and of establishing the reforms needed in the government and administration of the province, adopting immediately, in so far as lies within his powers, the measures he may deem expedient for the attainment of those ends.

He shall also visit the island of Porto Rico, with the object of examining the results of the reforms introduced there, and also of deciding, conformably to the powers belonging to him, upon whatever he may judge proper for its administration and government.

ARTICLE II. The colonial minister shall be accompanied by those employés of his department whom he may designate, who shall receive such compensation as may be determined upon, conformably to existing regulations.

ARTICLE III. The expenses occasioned by compliance with the preceding articles shall be paid by and charged to the extraordinary war credit in Cuba.

ARTICLE IV. The colonial minister is hereby charged with the execution of this decree.

Madrid, October fourteenth, one thousand eight hundred and seventy-three.

The President of the executive power,

EMILIO CASTELAR.

No. 536.

General Sickles to Mr. Fish.

No. 784.]

UNITED STATES LEGATION IN SPAIN,

Madrid, October 27, 1873. (Received November 14.)

SIR: Among the noticeable features of the situation the condition of the Spanish finances is a circumstance not to be overlooked. The 3 per cent. consols of the foreign debt are quoted at twenty for a hundred. "Inscriptions in the great book of the consolidated debt," or interior rent, are sold at sixteen, or less. No interest on these funded obligations has been paid since December last. The coupons which matured in July, of this year, are only worth 43 per cent. Those of December, 1872, are at a discount of 49 per cent.

The last loan put on the market at twenty-eight, shortly before the abdication of Amadeo, was only in part taken up by public subscription. At present any further loans are deemed impossible. A negotiation has been for some time pending in London to raise twenty millions of dollars, at a high rate of interest, on the pledge of various securities, including scrip for a hundred and twenty-five millions of exterior consols, but so far it has not been successful.

A mass of liabilities, constituting what is called the "floating debt," and amounting to more than a hundred millions of dollars, consists in part of bills payable at fixed dates, secured by the hypothecation of valuables; these bills having matured and gone to protest, the Cortes compelled their removal and forbid the sale of the collaterals which were deposited in the Bank of Spain. This measure has compelled the government to go abroad for money, where special securities may be available in default of payment.

In truth, the public credit of this country is now lower than that of any other nation. It is nevertheless proposed to assume the payment of some fifty millions of dollars of the notes of the Bank of Havana, issued to the authorities in Cuba and disbursed by them during the past

five years, in addition to the enormous revenue raised from the island. You will remember that last year an attempt was made to fund this amount in 8 per cent. bonds issued on account of the Cuban treasury. A small sum was taken in Havana only, and the scheme was abandoned. Much alarm is felt here lest the financial crisis in Cuba, of which this large sum of irredeemable paper is the immediate cause, may yet more seriously hinder the government in its efforts to put down the insurrection. This, perhaps, is the real object of the journey of the colonial minister, who is preceded by a newly-appointed intendant of the treasury, Mr. Cancio Vilaamil, a former incumbent of the office, and said to be a competent person.

In order to raise the means for the prosecution of the wars in Spain, and to carry on the government, extraordinary imposts are levied, and the principal contributors in the provinces are compelled to subscribe to a loan reimbursable in taxes; or, in other words, to pay three or four years' taxes in advance. This measure naturally provokes complaint; yet if it has become impossible to borrow money elsewhere, and Spanish civil wars must be supported by cash drawn annually from the people, a remedy might be sooner found for the chronic disorders that afflict the country.

I am, &c.,

D. E. SICKLES.

No. 537.

General Sickles to Mr. Fish.

No. 789.]

UNITED STATES LEGATION IN SPAIN,
Madrid, October 30, 1873. (Received November 18.)

SIR: The colonial minister left Madrid last night to embark from Cadiz, day after to-morrow, for Cuba. The day before his departure he sent me a note, saying he would be glad to see me at the department. Availing myself of his polite invitation, I called on him at 4 in the afternoon of the 28th. His excellency said he had received from President Castelar a list of the pending embargo cases, and that this matter should have his careful attention immediately on his arrival at Havana. In reply to an inquiry from the minister, I stated concisely the history of the negotiations on this subject. I remarked that up to this time neither the plain provisions of the treaty of 1795, nor the repeated orders of his predecessors, nor even the decree of July 12, 1873, had been respected or obeyed by the authorities in Cuba. And I added that my last hope of a satisfactory adjustment of this very important question rested on the action he might now take on the spot.

Mr. Soler inquired whether I was informed of the very positive instructions he had sent to the captain-general some three weeks ago by order of the council of ministers. I answered that both President Castelar and Mr. Carvajal had kindly communicated to me the purport of them. Unfortunately, however, such orders had been given before without result, and I was not sanguine of any change for the better until his excellency's arrival should impress upon the various officials concerned a graver sense of responsibility to the home government. Mr. Soler said he was confident the instructions he had lately sent had not been disregarded. I intimated an apprehension, founded on a statement in the decree of the 15th instant, revoking the royal order of 1825, that the "laws of the Indies" might enable the captain-general to

exercise the same discretion he had heretofore used in suspending orders emanating from superior authority. The minister said there was no foundation for such a construction of the powers of that officer. It was true the "laws of the Indies" gave ample facilities to the captain-general in certain extraordinary cases, but the royal order of 1825 was altogether exceptional and unexampled in the omnipotent rule it constituted. Nothing like this was permitted in the ancient colonial code so long in force in Spanish America. I expressed my satisfaction on learning that no sufficient warrant remained to justify or excuse such instances of apparent disobedience as had heretofore marked the conduct of successive commanding officers in Cuba. And I observed that in my opinion Spanish dominion in Cuba was more seriously imperiled by the insubordination of prominent officials than from any other particular cause. It was difficult for us to comprehend how the government of an important province, without any rights of its own, could be directed from Madrid while the orders and decrees of the mother country were habitually set aside by agents whose arbitrary will was the only law of the place. The minister said it was precisely to inaugurate a better system of administration that he was about to visit Cuba. It was his purpose and wish to hear all parties and all classes, and to ascertain, if possible, whether some practicable means could be found to reconcile the conflicting elements which had so long disturbed the peace of the island and retarded the reforms the Spanish revolution of 1868 should have long ago extended to the Antilles.

I then asked his excellency whether he had received any communication from the State Department in regard to a note I addressed his colleague, Mr. Carvajal, on the 16th instant, on the subject of the customs-regulations in Cuba, in their relation to the fines and penalties imposed on foreign ships. Mr. Soler y Plá replying in the negative, I stated in general terms the questions at issue, and the series of representations already made in the matter. Intimating my surprise that a translation of my note had not been placed in his hands, as I had been assured would be done before his departure, his excellency gave me permission to send to him the following day a duplicate of my communication; which I have done, after again inviting the attention of Mr. Carvajal to the business.

In reply to a suggestion that you might, perhaps, have occasion to address the Spanish minister in Washington about some pending question in Cuba during his excellency's presence in the island, Mr. Soler y Plá desired me to say to you that he would be most happy if you would bring to his notice, through that channel, any matter of interest to the United States that might come within his powers.

I asked his excellency if he contemplated visiting the United States before his return. He said that he desired very much to do so, yet this would depend on circumstances he could not now forecast.

After some conversation on the results of emancipation in the United States and the importance of providing means for the education of the freed people in Cuba, I alluded to the financial crisis in the island and the means of improving its revenues by a more liberal commercial policy. I pointed out that the large exports of flour, grain, and meat, from the peninsula to European markets, proved that Spain was able to compete with the United States and Russia in agricultural production.

It followed, therefore, that the large advantages given to this class of Spanish products in Cuba was a monopoly from which a few traders profited to the prejudice of general interests; that these privileges were especially injurious to the Cuban revenues, burdensome to consumers,

and without benefit to the home producers; injurious to the island, because if the discriminating duties were removed or reduced, American flour, entering Cuban ports and paying a moderate duty, would yield a large sum annually to the treasury; burdensome to consumers, because the high discriminating duties excluded competition either in price or quality, and needlessly increased the cost of bread; and without advantage to the Spanish farmer, because he only received the market price in the peninsula, and this was regulated, not by the relatively inconsiderable consumption in Cuba, but by the average demand in Europe. I will not trouble you with a recital of other illustrations and arguments advanced, as the topic is, of course, a familiar one to the Department. Mr. Soler said he would give it attention, and hoped to have an opportunity of resuming the subject with me on his return.

Since the foregoing was written I have learned from the ministry of state that all the papers—including my note of the 16th instant and appendixes—touching the Cuban customs-regulations, were placed in the hands of the colonial minister a few hours before his departure.

My conference with Mr. Soler is mentioned to-day by the reactionary journals, and they point to the circumstance that it took place shortly before he left the capital, as if they did not relish my having, as it were, the last words with his excellency. In truth, these journals, and the influences they represent, earnestly opposed the mission until they found the purpose of the government could not be shaken, when they suddenly changed front and have since endeavored to surround the minister with associations favorable to existing interests and hostile to any change.

I am, &c.,

D. E. SICKLES.

No. 538.

General Sickles to Mr. Fish.

No. 802.]

UNITED STATES LEGATION IN SPAIN,
Madrid, November 7, 1873. (Received November 26.)

SIR: I have the honor to forward herewith annexed a copy of a communication, dated yesterday, addressed by me to the executive committee of the Spanish Abolition Society, conveying to them the reply of the President to their recent memorial, conformably to the tenor of your instruction No. 388, of the 10th ultimo.

I am, &c.,

D. E. SICKLES.

[Inclosure.]

General Sickles to the Spanish Abolition Society.

LEGATION OF THE UNITED STATES IN SPAIN,
Madrid, November 6, 1873.

GENTLEMEN: I have the honor to inform you that the memorial addressed by the Spanish Abolition Society to the President of the United States, having been transmitted by me to the Department of State, has been placed in the hands of the Executive.

The Secretary of State is directed by the President to say that two years ago he recommended Congress to legislate for the objects which the memorialists now desire to accomplish, and that he has seen nothing since then to induce him to change his

opinions; on the contrary, they have been strengthened by the course of events. While abstaining from interference with the domestic concerns of other powers, the contiguity of some of the possessions of Spain to the territory of the Union has made the continued tolerance of slavery in one of them an object of solicitude to the people of the United States, and, therefore, the President does not refrain from expressing the anxiety with which he awaits the action of the Spanish Cortes in emancipating the slaves in Cuba. Sympathizing in every effort to remove the blot and scourge of slavery from the face of the earth, and desiring to see this great evil and crime exterminated and denounced, the President hopes that for the attainment of these ends no proper exertions will be spared by the friends of freedom in Spain, where they must prove more potent and efficacious than they can be in the United States. In this noble work I am to assure you and your associates of the sympathies and good wishes of the President.

I am, &c.,

D. E. SICKLES.

To the Hon. Sr. D. FERNANDO DE CASTRO,
President, and the Vice-Presidents and Members of
the Executive Committee of the Spanish Abolition Society.

No. 539.

General Sickles to Mr. Fish.

No. 918.] UNITED STATES LEGATION IN SPAIN,
Madrid, December 15, 1873. (Received January 9, 1874.)

SIR: I have the honor to inclose herewith a copy and translation of the address of General Jovellar on taking possession of the government of Cuba last month. It will be observed that the past five years are described as a period of conciliation, to be superseded now by a policy of combat, announced in the name of the government of President Castelar. It is, besides, significantly intimated that all discussion of political questions must cease, since it weakens the Spanish party and helps the common enemy. The abolition of slavery is to be a theme of continued meditation and study, which the planters have, it seems, already initiated, so that in due time a solution of the problem may be found which will reconcile the interests of labor, the rights of property, and the maintenance of production. Thus re-assured, the slaveholders are told to dismiss all fears of ill-considered and extreme measures.

The platform of the new captain-general is accepted, as might be expected, with unqualified satisfaction by the organs of the "Casino Español." The views expressed on this subject in my Nos. 730 and 902 are confirmed by this official and public avowal of the representative of the Spanish republic in Cuba.

I am, &c.,

D. E. SICKLES.

[Inclosure.—Translation.]

Address of General Jovellar on taking possession of the captain-generalcy of Cuba, November 5, 1873.

GOVERNMENT OF THE CAPTAIN-GENERALCY OF THE
EVER-FAITHFUL ISLAND OF CUBA.

Inhabitants of the ever-faithful Island of Cuba:

The executive power of the republic has been pleased to confide to me the military and political command of this island. I arrive here at a time when, after an experience of five years, devoted without any definite results, as yet, to the conciliation of the conflicting extremes of one of the most difficult situations that can afflict any

country, it has become evident, beyond a doubt, that it is expedient and even necessary to subordinate all other questions to one alone—to that of the war.

It matters not that the insurrection, vanquished by force and exhausted by time, has lost a great part of the importance it had at the outset, nor that our means of action are to-day far superior to those which, through an excess of self-confidence, we were at the commencement able to oppose to the rebellion. The bravery and constancy of the army, the zeal and vigilance of the navy, the energy and decision of the volunteers, are assured guarantees, in any case, for the success of a struggle which is only kept alive at present by the difficulty of penetrating to the lurking-places of the enemy. But while the fact remains that somewhere in the territory of the island a show of warfare is kept up, even though it be by wandering bands, heterogeneous in character and relatively few in number; while this fact serves to raise the hopes of unpatriotic Spaniards, and to force upon loyal Spaniards, not uneasiness, for their good judgment repels that, but the necessity of extraordinary sacrifices in their property and in their persons; while rural production, the main fount of our wealth, remains exposed in certain districts to devastation and conflagration; and while, in short, a pretext exists for gauging, by the false standard of its duration, the importance of a movement which in reality is already far gone in its decadence, there is nothing of so much interest and urgency for the public welfare and for the prestige and honor of the nation as the re-establishment of the normal status of the island.

My purpose is, therefore, to subordinate all else to this consideration within the bounds traced by the laws.

The immense majority of the island maintains its nationality with a patriotism worthy of the highest examples of history, and before this fact all difficulties disappear; because on the sacred altar of our country there is offered the spontaneous sacrifice of a truce to all political discussion, which ever tends to benefit the common enemy by weakening the cohesion of the great national party; because the payment of taxes and all other treasury-dues will go on with increasing exactitude, so that the resources we now more than ever need may not be impaired; and because all of us will lend the most efficacious aid to transform our administration into a zealous agent of all legitimate interests, as is demanded by the credit and honor of each and all of us. In this way the political and financial question, which has so deeply impressed, and even alarmed, public opinion, will have an easy, simple, and speedy solution.

Meantime, social reform, that exigency of the present epoch imposed by the course of modern opinion, may and should still continue to be the object of special meditation and conscientious study. And, notwithstanding the war, this reform has initiated and is carrying forward the truest representation of agricultural interests, to the end that in due time a solution may be reached in terms which shall conciliate the change of condition of the laboring classes, the rights of property, and the maintenance of production, the protection of which for the general good of the country is the mission of all governments. Consequently all apprehensions based upon the belief that hasty and extreme measures would be adopted ought to cease and confidence should be revived, for without it the restoration of the public credit is utterly impossible.

Presenting ourselves thus, strong through our unity, rich through administrative morality, and energetic through patriotism, the present war can inspire us with little fear, for it is not the expression of an equal power contending for the triumph of a cause, but the desperate hope of delirium, trusting for success to our dissensions; let us destroy this hope, and the war will be at an end.

Lastly, all of you may cherish the assurance that, complying with the instructions of the government of the nation, I shall be untiring in my efforts to bring about peace and public prosperity, to protect credit, and to punish fraud with a strong hand; that I shall, in fine, with the utmost zeal, take care that none of the great interests of the island suffer detriment while this command is held by—

Your governor and captain-general,

JOAQUIN JOVELLAR.

HAVANA, November 5, 1873.

No. 540.

General Sickles to Mr. Fish.

No. 930.]

LEGATION OF THE UNITED STATES IN SPAIN,
Madrid, December 20, 1873. (Received January 12, 1874.)

SIR: "La Discusion" of this date contains an authorized announcement of the provisions of the emancipation act the government proposes to

present to the Cortes at its second session in January next. The bases of the project are as follows:

1. All slaves in Cuba, whether held by individuals or by the government, will be free on and after the day of the publication of the act in the official gazette of Madrid.

2. The freedmen will be bound to labor for five years; three of which will be in the service of their present masters, and the remaining two years in the service of the same or other masters, or of the state.

3. The freedmen will be entitled to wages not less than the lowest rate paid to free laborers.

4. All contracts will be made under the direction of an official, who will be styled "Protector of the freedmen."

5. On and after the day of the publication of the emancipation act in the official gazette of Madrid the freedmen will be recognized as entitled to civil rights; and at the expiration of eight years they will become eligible to political privileges.

6. Regulations for the execution of the act will be formed in Madrid, and will become part of the law itself, taking effect at the same time as the statute.

Indemnity to the masters being impracticable, considering the crippled resources of Cuba and Spain, five years of compulsory labor, at minimum wages, are substituted as a means of ransom contributed by the slaves themselves. It may be presumed that this feature of the act will encounter serious opposition in the Cortes. And if an earnest representation were made in behalf of the United States, perhaps President Castelar would not seriously resist a disposition in the legislature to rid the measure of this odious clause.

In this relation I may remark that Mr. Labra, the accomplished and diligent deputy from Porto Rico, has just now published an elaborate and instructive work on emancipation, considered economically. I am indebted to the courtesy of the author for a copy of his essay, from which I translate the following passage, touching the results of emancipation in Porto Rico: "I declare," says Mr. Labra, "upon my honor, that the results of the abolition of slavery in Porto Rico have exceeded all my hopes. Labor has not been interrupted a single day. No instance of disorder has occurred; not even a dispute. The indemnity decreed by the Cortes was not realized, for reasons of which I do not choose to speak, but which are a fresh commendation of the principle of colonial autonomy. And I may add that this social reform has been followed, in an interval of only six months, by no less a political change than the extension to the inhabitants of Porto Rico of personal rights and universal suffrage, as well as the substitution of popular municipal government for the old town-councils created by royal order. I do not recall a more admirable example anywhere, and I challenge the pro-slavery party to produce one. Will they still presume to ask us to accept their discouraging predictions? Will they persist in questioning the foresight of the abolitionists?"

It will be remembered that the liberation bill for Porto Rico allowed the freedmen to choose their own employers and make their own bargains about wages, while the term of contracts was for three years only. Practically it was immediate emancipation, with a provision against vagrancy. The indemnity clause required the money to be raised in the island, and, for that reason, was by common consent left inoperative.

I am, &c.,

D. E. SICKLES.

No. 541.

[Telegram.]

MADRID, *January 3, 1874.*

President Castelar resigned his powers at half-past five this morning, Congress having rejected a proposition approving the conduct of the government during the parliamentary recess. While the Cortes were engaged in the election of his successor they were dispersed by troops of the garrison under the command of General Pavia, who holds possession of the building. The principal streets and public buildings are occupied by troops, and artillery commands the thoroughfares. A provisional government will probably be proclaimed to-day, with Marshal Serrano at its head. I shall not recognize this *coup d'état*, indicated in my previous dispatches, until ordered to do so.

SICKLES.

No. 542.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, *January 3, 1874.*

This afternoon General Pavia convened a number of generals and citizens, and after consultation Marshal Serrano was designated to form a provisional government. He named General Zavala minister of war. It is expected other ministers will be announced to-night. Martial law is proclaimed. About ten thousand troops occupy the capital. The republican militia has been disarmed to-day. The last act of the Cortes was to dismiss General Pavia from command and order him tried by court-martial for rebellion. The minister of war of the late government was in the act of reading the decree when the troops under General Pavia took possession of the chamber.

SICKLES.

No. 543.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, *January 4, 1874.*

Official Gazette this morning contains announcement of a ministry in which Marshal Serrano names himself president of the executive power of the Republic, and appoints Sagasta minister of state and of the treasury, Balaguer ultramar and public works, Garcia Ruiz interior and grace and justice, Admiral Topete minister of marine. Balaguer, who is in charge of the colonies, held that office under Sagasta in seventy-one and two.

SICKLES.

No. 544.

General Sickles to Mr. Fish.

No. 950.]

UNITED STATES LEGATION IN SPAIN,
Madrid, January 6, 1874. (Received February 16.)

SIR: I have the honor to forward herewith a copy and translation of a decree dated 30th December ultimo, appointing a new commission to consider and report the modifications necessary to adapt the penal laws of Spain, and its code of procedure in criminal cases, to the colonies.

You will observe the statement in the preamble, that a similar commission was created in 1869, and continued until 1872, when it was dissolved without having made a report. On November 28, 1872, another commission was named, which in turn is now broken up without having done anything. The present board was practically disbanded four days after it was appointed, since the government by which it was created fell on the third of January.

In my No. 472, I reported the debate in the Cortes which resulted in the appointment of the second commission in November, 1872. A promise was then made by Mr. Martos, on behalf of the government, that the serious grievances shown to result from the existing legislation should be at once removed, and three months was accepted as a sufficient time for the labors of the commission.

Another illustration is here afforded of the unwillingness of Spain to do anything toward the amelioration of the condition of the colonies. Since the revolution of 1868, the governments of Prim, Serrano, Sagasta, Zorilla, Figueras, and Castelar, have all promised to reform the administration in Cuba; and yet it is, perhaps, not too much to affirm that the situation of the island to-day is worse than ever.

I am, &c.,

D. E. SICKLES.

[Inclosure.]

Decree of December 30, 1873, organizing a new commission to report a penal code for Cuba and Porto Rico.

[Translation from "La Gaceta de Madrid," January 2, 1874.]

EXECUTIVE POWER OF THE REPUBLIC,
*Ministry of Ultramar.**Preamble.*

The evident necessity of giving to the provinces of Cuba and Porto Rico a penal code which, based upon that in force in the peninsula, should be the exponent of modern progress in penal legislation and of the solicitude of the mother country for her ancient colonies, impelled the government of the nation to create, by the decree of September 10, 1869, a commission charged with proposing the necessary alterations in the penal code at that time in operation in the peninsula, in order to apply it to the provinces of *ultramar*; but, although the commission, composed of most worthy and zealous persons, commenced its labors, it did not terminate them, by reason of the absence of some of its members and the occupations of others, and for divers causes, which counseled the issue of the royal decree of November 20, 1872, by which the aforesaid commission was declared dissolved and another created in its place, composed of seven distinguished jurists, charged with proposing the modifications which they might deem advisable in the penal code of the peninsula in order to apply it to Cuba and Porto Rico within the fixed term of two months, at the expiration of which the commission would be dissolved.

Unfortunately, this new commission likewise failed to give the expected result, either by reason of the painful brevity of the time allotted or from causes analogous to those which sterilized the action of its predecessor.

In view of the limited success obtained by these attempts, and of the urgency of extending to the Spanish Antilles the indicated reform in their penal legislation, putting in operation, at the same time, a system of procedure more conformable to science, and which shall contain, as a greater guarantee of justice, the right of appeal from the judgments of the higher courts, (audiencias,) and also, while remedying the infractions of penal laws and proceedings, shall make uniform the interpretation of the same and facilitate their more exact application, the undersigned minister has been led to consider necessary the creation of a new commission composed of elements taken from the ministry under his charge, upon which he can directly and immediately exert his supervision and influence to hasten its labors, this being, doubtless, the most efficacious means of happily carrying out, in a brief time, the reforms which he has already indicated.

To this end the undersigned minister has the honor to propose to the government of the republic the approval of the following draught of a decree.

Madrid, December 30, 1873.

The minister of the colonies *ad interim*,

JOAQUIN GIL BERGES.

Decree.

The government of the republic, in a council of ministers, and at the instance of the colonial minister, decrees the following:

ARTICLE I. A commission is created, composed of the secretary-general of the colonial office as president, and of four officials, chiefs of bureaus and counselors in the same ministry, as voting members, in order that, in as short a time as possible, it shall propose the modifications it considers necessary to introduce into the existing penal code of the peninsula in order to set it in operation in the provinces of *ultramar*.

ART. II. The same commission shall also be charged with drawing up a bill of criminal procedure in harmony with the reforms effected in the peninsula during the last few years and compatible with the present organization of the colonial courts, in which shall be included the establishment of the right of appeal on issues of fact and of form from the final judgments of those courts.

Madrid, December thirtieth, one thousand eight hundred and seventy-three.

The President of the government of the republic,

EMILIO CASTELAR.

The colonial minister *ad interim*,

JOAQUIN GIL BERGES.

No. 545.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, *January 8, 1874.*

Minister of the interior publishes a circular to the governors of the provinces announcing that the Executive will wait until tranquillity is restored before ordering elections for another congress. Layard informs me that he is instructed to continue the unofficial relations before existing between England and Spain.

SICKLES.

No. 546.

General Sickles to Mr. Fish.

No. 961.]

UNITED STATES LEGATION IN SPAIN,
Madrid, January 15, 1874. (Received February 16.)

SIR: I have the honor to forward herewith a translation of a note from Mr. Sagasta, dated 5th instant, announcing the organization of an executive authority in place of the late government. On the receipt of your instruction by cable, yesterday, authorizing official relations with the minister of state, I addressed a reply to his excellency, a copy of which is annexed.

I am, &c.,

D. E. SICKLES.

[Inclosure 1 in No. 961.—Translation.]

Mr. P. Sagasta to General Sickles.

(Received January 6, 1874—7.20 p. m.)

MINISTRY OF STATE,
Madrid, January 5, 1874.

SIR: In consequence of the events which occurred in this capital on the morning of the 3d instant, and which you already know, the executive power of the republic has constituted itself in the following form: President, Don Francisco Serrano y Dominguez; minister of grace and justice, Don Christino Martos; of war, Don Juan Zavala; of finance, Don José de Echegaray; of the navy, Don Juan Bautista Topete y Carballo; of the interior, Don Eugenio Garcia Ruiz; of public works, Don Tomas Maria Masquera; of the colonies, Don Victor Balaguer, and of state the undersigned.

The executive power reserves to itself a full explanation to the governments of friendly powers, of the causes which rendered necessary the resolution adopted by the superior military authority of Madrid, in view of the grave peril which menaced liberty and social order after the vote of censure passed by the Chamber against the policy of the ministry presided over by Mr. Castelar.

The general opinion of the country has welcomed with joy the act of salvation whereby our gallant army hastened opportunely to the defense of all the interests of society and of the country, without having to lament the slightest conflict between the military forces and the ever-sensible population of the capital.

In acquainting you with the formation of the executive power, I have the honor, as a member thereof, to offer you the assurances of my most distinguished consideration.

PRAXEDES MATEO SAGASTA.

The MINISTER PLENIPOTENTIARY
Of the United States of America.

[Inclosure 2 in No. 961.]

General Sickles to Mr. Sagasta.

LEGATION OF THE UNITED STATES OF AMERICA,
Madrid, January 14, 1874.

SIR: I have had the honor to receive from your excellency a note dated the fifth instant, announcing the present organization of the executive power of the Spanish republic. The communication has been made known by cable to my Government, in order that my action, in view of the events to which your excellency refers, may be guided by the instructions of the President.

In acknowledging the receipt of the information conveyed to me by your excellency I avail myself of the occasion to offer to your excellency assurances of my most distinguished consideration.

D. E. SICKLES.

His Excellency DON PRAXEDES MATEO SAGASTA, *Minister of State.*

No. 547.

General Sickles to Mr. Fish.

No. 963.]

UNITED STATES LEGATION IN SPAIN,
Madrid, January 15, 1874. (Received February 16.)

SIR: I have the honor to forward, herewith, a copy of an order of the minister of hacienda, dated 31st December, ultimo, suspending the collection of the tax on exports, some time since reduced from five to one per centum.

I have, also, the satisfaction to forward a copy of a decree published to-day, abolishing the tax definitely.

I am, &c.,

D. E. SICKLES.

[Inclosure 1 in No. 963.]

Circular Order of December 31, 1873, suspending the tax of one per cent. on exports.

[Translated from "La Gaceta de Madrid" of January 11, 1874.]

ILLUSTRIOUS SIR: The government of the republic has decided to suspend, until further orders, the collection of the extraordinary and temporary impost denominated *port and sea police dues* (*carga y policia naval*), which decision has been communicated by telegraph to the provincial customs administrations.

By order of the aforesaid government, I inform you of this for the corresponding effects. May God guard you many years.

PEDREGAL,
The General Director of Customs.

MADRID, December 31, 1873.

[Inclosure 2 in No. 963.]

Decree of January 14, 1874, abolishing the export-tax called "Impuesta de carga y policia naval."

[Translated from "La Gaceta de Madrid" of January 15, 1874.]

MINISTRY OF FINANCE.

Decree.

The extraordinary war-impost, called that of "*carga y policia naval*," (port and marine police dues,) affects so many interests and trenches upon so many rights that it has been the object of reclamations, both from Spanish citizens and from foreign subjects. The government of the republic, which needs every recourse for the operations of the campaign, and which neither can nor should deprive itself of any source of revenue, however painful the sacrifice may be to those who pay the tax, finds itself, nevertheless, obliged to heed the sentiment of equity and the arguments of justice. It is evident that this impost, not yet collected, and, in fact, suspended by the very government that created it, is an obstacle to foreign commerce, augments the burdens that weigh on our mining industry, and is contrary to international treaties, without yielding any large return to the exchequer. As a war-tax, and therefore of a temporary character, it might have been justified, limiting it to merchandise exported under the Spanish flag by national producers; but in that case it would have acted adversely to our industry and our mercantile navy for the benefit of those of other countries.

The tax having been already reduced, and its collection not having yet been enforced in the custom-houses, the moment has come for its final suppression.

The government of the republic, in a council of ministers, and on the showing of the minister of finance, decrees the following:

Sole Article.—The temporary and extraordinary war-impost, denominated that of "*carga y policia naval*," is hereby suppressed.

Madrid, January fourteenth, one thousand eight hundred and seventy-four.

The President of the executive power of the republic,

FRANCISCO SERRANO.

The Minister of Finance,
JOSÉ ECHEGARAY.

No. 548.

General Sickles to Mr. Fish.

No. 972.]

UNITED STATES LEGATION IN SPAIN,
Madrid, January 31, 1874. (Received March 20.)

SIR: I learn that, in consequence of information it had received, the Chinese government has appointed a commission to proceed to Cuba, and investigate the condition and treatment of the Chinamen held there in a sort of bondage, represented to be even worse than slavery, and

that, meanwhile, the further migration of these people to Cuba has been prohibited. It appears that the commission includes, besides a mandarin, an American and a Frenchman employed in the Chinese administration. These appointments, and especially that of the American, are regarded as offensive to Spanish dignity, and loud protests have come from Cuba against what is called an American intrigue to deprive the planters of Chinese laborers by means of an unfavorable report to be made by the investigating committee. I have reason to believe that this government, through its representative at Peking, has remonstrated against the appointment of any other than native Chinese officials as members of the commission, and that Spain proposes to insist upon the removal of the restrictions imposed by China on the coolie-trade with the Spanish possessions in America.

I am, &c.,

D. E. SICKLES.

No. 549.

General Sickles to Mr. Fish.

No. 973.]

UNITED STATES LEGATION IN SPAIN,
Madrid, February 3, 1874. (Received March 20.)

SIR: I have the honor to forward herewith a copy and translation of a decree declaring the northern coast of Spain, from Cape de Peñas to Fuenterrabia, in a state of blockade. The ports of Gijon, Santander, and San Sebastian are excepted. The blockade includes some two hundred and fifty miles of coast.

It will be observed that the blockade is declared effective from the twentieth instant; that vessels bound for the open ports of Gijon, Santander, and San Sebastian are liable to search and detention, and to certain penalties denounced in the blockade regulations prescribed for the Spanish Pacific squadron November 26, 1864, and that no information is given as to what will be deemed "contraband of war." With reference to the rules of the Peruvian blockade of 1864, Mr. Layard informs me he applied at the state department for a copy of them, but they could not be found.

It seems, according to Article V, that the necessary war-vessels are ordered to the coast to make the blockade effective; but one may perhaps venture to intimate a doubt whether, considering the resources of the Spanish navy, the execution of these orders is practicable.

Under all the circumstances, it is not likely that the European powers will suffer the rich commerce of the Bay of Biscay to be subjected to annoyance and interruption by a blockade of this character.

I am, &c.,

D. E. SICKLES.

[Inclosure.]

Decree of January 31, 1874, declaring the Biscayan ports of Spain in a state of blockade.

[Translated from "La Gaceta de Madrid," February 2, 1874,]

PREAMBLE.

Among the highest duties imposed upon the present government of the republic by public opinion, by the spontaneous and energetic act from which it sprung, by its own

nature, in short, and by its own decorum, stands principally and preeminently the duty of closing this period of bloody although barren strife, of profound perturbations, of unheard-of calamities, which ever carry in their train intestine discords, and which have engulfed our generous and high-toned Spain in the deep ocean of sorrows and misfortunes.

Two armed rebellions menaced our unhappy country when the government took upon itself the rude and, now more than ever, unbearable charge of administering and directing public affairs. In Cartagena floated the banner of demagoguery, and in the north waved the standard of numerous hosts which, reviving, thanks to the hazard of circumstances, and unrealizable ideal, have not shrunk from ravaging those fertile provinces, paralyzing their commerce, giving their picturesque homesteads to the flames, and sowing, in a word, death and desolation as indelible foot-prints of their path, if not with the hope of triumph at least with the aim of heaping greater calamities upon the shattered soil of their country.

Of these two insurrections one has succumbed. The organization of the actual government was in itself sufficient to wound it to the death. It is now time to re-unite and concentrate the active forces of the country to hurl them, unanimous and compact, upon the battle-fields of the north, for we can do no less than that which our fathers did.

But the indomitable valor of our tried forces by land and sea is not enough to accomplish this, or rather it is needful that the energy and rapidity of their irresistible onset be vigorously complemented and efficaciously aided by the impossibility of the enemy's receiving assistance from foreign shores by means of those speculators who, setting at naught the vigilance and good faith of their respective governments, set the bait of a miserable profit above the universal duties of humanity and of public law. It is indispensable, in a word, if the action of the government is to be effective and energetic, to close for a time our Cantabrian shores to foreign commerce and prohibit access thereto, not only to foreign vessels but also to the natives themselves bound to the ports or navigating in the waters of that coast, without the requisites and guarantees established for that purpose.

Nothing better satisfies this pressing necessity than the declaration of a state of blockade of the coast in question, especially when the government possesses the naval force sufficient to make it real and effective, as is demanded by the present practice of the nations of Europe and the precepts of international law; to which may be further added that this measure, founded upon the first of all rights—the right of self-preservation, the synthesis of the sovereignty and the independence of the nation—can give rise to no ulterior reclamation on the part of those which recognize and admit these primordial principles, adapting themselves, as Spain also will adapt herself in their application, to the generally received international jurisprudence.

Resting upon these considerations, the undersigned minister has the honor to present to the government the following draft of a decree.

JUAN BAUTISTA TOPETE.

MADRID, *January 31, 1874.*

Decree.

The government of the republic, in a council of ministers, decrees:

ARTICLE I. The coast of Cantabria, from Cape de Peñas to Fuenterrabia, is declared in a state of blockade, with the sole exception of the ports of Gijon, Santander, and San Sebastian.

ART. II. The government shall promulgate the rules to be observed by Spanish vessels bound to the ports of Gijon, Santander, and San Sebastian from the ports of Spain or of foreign countries, with cargoes of lawful commerce, in which there shall be no goods contraband of war, in order that they be not molested by the blockading forces.

ART. III. Foreign vessels bound under like conditions of lawful trade to the ports enumerated, and observing the same rules as Spanish vessels, shall likewise not be molested by the blockading ships if such requisites are borne out by the search to which they are subject, (*el reconocimiento que practiquen.*)

ART. IV. The vessels which contravene these rules shall be detained, and shall be subject to the penalties established by maritime law and universally recognized in such cases, and by the blockade regulations prescribed for the Pacific squadron November 26, 1864.

ART. V. In order to maintain the effectiveness of the blockade within the limits designated in Article I, the necessary war-vessels are hereby ordered to that coast.

ART. VI. The minister of state shall communicate the present decree to the ambassadors, ministers, and consular agents of Spain in foreign countries, in order that, the

proper publicity being given, ignorance thereof may not be alleged, notifying them that it is to go into operation from the 20th day of February next.

ART. VII. The minister of marine shall issue the necessary orders and instructions, in order that this decree have exact and due fulfillment.

Madrid, January 31, 1874.

The President of the executive power of the republic,

FRANCISCO SERRANO.

The minister of marine,

JUAN BAUTISTA TOPETE.

No. 550.

Mr. Fish to Mr. Cushing.

No. 2.]

DEPARTMENT OF STATE,

Washington, February 6, 1874.

SIR: Whatever general instructions you may need at the present time for your guidance in representing this Government at Madrid have reference entirely to the actual state of the island of Cuba and its relation to the United States as well as to Spain.

It is now more than five years since an organized body of the inhabitants of that island assembled at Yara, issued a declaration of independence, and took up arms to maintain the declaration. The movement rapidly spread, so as to occupy extensive regions of the eastern and central portions of the island, and all the resources of the Spanish government have been exerted ineffectually to suppress the revolution and reclaim the districts in insurrection to the authority of Spain. The prosecution of the war on both sides has given rise to many questions, seriously affecting the interests and the honor of the United States, which have become the subject of diplomatic discussion between this Government and that of Spain.

You will receive herewith a selection, in chronological order, of the numerous dispatches in this relation which have passed between the two Governments. From these documents you will derive ample information, not only respecting special questions, which have arisen from time to time, but also respecting the general purposes and policy of the President in the premises.

Those purposes and that policy, as indicated in the accompanying documents, have continued to be substantially the same during the whole period of these events, except in so far as they may have been modified by special circumstances, seeming to impart greater or less prominence to the various aspects of the general question, and thus, without producing any change of principle, yet, according to the particular emergency, to direct the action of the United States.

It will suffice, therefore, on the present occasion, first, briefly to state these general views of the President; and, secondly, to show their application to the several incidents of this desperate struggle on the part of the Cubans to acquire independence, and of Spain to maintain her sovereignty, in so far as those incidents have immediately affected the United States.

Cuba is the largest insular possession still retained by any European power in America. It is almost contiguous to the United States. It is pre-eminently fertile in the production of objects of commerce which are of constant demand in this country, and, with just regulations for reciprocal interchange of commodities, it would afford a large and lucrative market for the productions of this country. Commercially, as well as

geographically, it is by nature more closely connected with the United States than with Spain.

Civil dissensions in Cuba, and especially sanguinary hostilities, such as are now raging there, produce effects in the United States second in gravity only to those which they produce in Spain.

Meanwhile our political relation to Cuba is altogether anomalous, seeing that for any injury done to the United States or their citizens in Cuba we have no direct means of redress there, and can obtain it only by slow and circuitous action by way of Madrid. The captain-general of Cuba has, in effect, by the laws of Spain, supreme and absolute authority there for all purposes of wrong to our citizens; but this Government has no adequate means of demanding immediate reparation of such wrongs on the spot, except through a consul, who does not possess diplomatic character, and to whose representations, therefore, the captain-general may, if he choose, absolutely refuse to listen. And, grievous as this inconvenience is to the United States in ordinary times, it is more intolerable now, seeing that, as abundantly appears, the contest in Cuba is between peninsular Spaniards on the one hand and native-born Spanish-Americans on the other; the former being the real representatives of Spanish force in Cuba, and exerting that force when they choose, with little, if any, respect for the metropolitan power of Spain. The captain-general is efficient to injure, but not to redress, and, if disposed to redress, he may be hampered, if not prevented, by resolute opposition on the part of the Spaniards around him, disobedient alike to him and to the supreme government.

In fine, Cuba, like the former continental colonies of Spain in America, ought to belong to the great family of American republics, with political forms and public policy of their own, and attached to Europe by no ties, save those of international amity, and of intellectual, commercial, and social intercourse. The desire of independence on the part of the Cubans is a natural and legitimate aspiration of theirs, because they are Americans. And while such independence is the manifest exigency of the political interests of the Cubans themselves, it is equally so that of the rest of America, including the United States.

That the ultimate issue of events in Cuba will be its independence, however that issue may be produced, whether by means of negotiation, or as the result of military operations, or of one of those unexpected incidents which so frequently determine the fate of nations, it is impossible to doubt. If there be one lesson in history more cogent in its teachings than any other, it is that no part of America, large enough to constitute a self-sustaining state, can be permanently held in forced colonial subjection to Europe. Complete separation between the metropolis and its colony may be postponed by the former conceding to the latter a greater or less degree of local autonomy, nearly approaching to independence. But in all cases where a positive antagonism has come to exist between the mother country and its colonial subjects, where the sense of oppression is strongly felt by the latter, and especially where years of relentless warfare have alienated the parties, one from another, more widely than they are sundered by the ocean itself, their political separation is inevitable. It is one of those conclusions which have been aptly called the inexorable logic of events.

Entertaining these views, the President at an early day tendered to the Spanish government the good offices of the United States for the purpose of effecting by negotiation the peaceful separation of Cuba from Spain, and thus putting a stop to the further effusion of blood in the island, and relieving both Cuba and Spain from the calamities and

charges of a protracted civil war, and of delivering the United States from the constant hazard of inconvenient complications on the side either of Spain or of Cuba. But the well-intended proffers of the United States on that occasion were unwisely rejected by Spain, and, as it was then already foreseen, the struggle has continued in Cuba with incidents of desperate tenacity on the part of the Cubans, and of angry fierceness on the part of the Spaniards, unparalleled in the annals of modern warfare.

True it is that now, when the war has raged for more than five years, there is no material change in the military situation. The Cubans continue to occupy, unsubdued, the eastern and central parts of the island, with exception of the larger cities or towns, and of fortified points held by the government, but their capacity of resistance appears to be undiminished, and with no abatement of their resolution to persevere to the end in repelling the domination of Spain.

Meanwhile this condition of things grows, day by day, more and more insupportable to the United States. The Government is compelled to exert constantly the utmost vigilance to prevent infringement of our law on the part of Cubans purchasing munitions or materials of war, or laboring to fit out military expeditions in our ports; we are constrained to maintain a large naval force to prevent violations of our sovereignty, either by the Cubans or the Spaniards; our people are horrified and agitated by the spectacle, at our very doors, of war, not only with all its ordinary attendants of devastation and carnage, but with accompaniments of barbarous shooting of prisoners of war, or their summary execution by military commissions, to the scandal and disgrace of the age; we are under the necessity of interposing continually for the protection of our citizens against wrongful acts of the local authorities of Spain in Cuba; and the public peace is every moment subject to be interrupted by some unforeseen event, like that which recently occurred, to drive us at once to the brink of war with Spain. In short, the state of Cuba is the one great cause of perpetual solicitude in the foreign relations of the United States.

While the attention of this Government is fixed on Cuba, in the interest of humanity, by the horrors of civil war prevailing there, we cannot forbear to reflect, as well in the interest of humanity as in other relations, that the existence of slave-labor in Cuba, and its influence over the feelings and interests of the peninsular Spaniards, lie at the foundation of all the calamities which now afflict the island. Except in Brazil and in Cuba, servitude has almost disappeared from the world. Not in the Spanish-American republics alone, nor in the British possessions, nor in the United States, nor in Russia—not in those countries alone, but even in Asia, and in Africa herself—the bonds of the slave have been struck off, and personal freedom is the all but universal rule and public law, at least to the nations of Christendom. It cannot long continue in Cuba environed as that island is by communities of emancipated slaves in the other West India Islands and in the United States.

Whether it shall be put an end to by the voluntary act of the Spanish government, by domestic violence, or by the success of the revolution of Yara, or by what other possible means, is one of the grave problems of the situation, of hardly less interest to the United States than the independence of Cuba.

The President has not been without hope that all these questions might be settled by the spontaneous act of Spain herself, she being more deeply interested in that settlement than all the rest of the world. It seemed for a while that such a solution was at hand, during the time

when the government of Spain was administered by one of the greatest and wisest of the statesmen of that country, or indeed of Europe, President Castelar. Before attaining power, he had announced a line of policy applicable to Cuba, which, though falling short of the concession of absolute independence, yet was of a nature to command the approbation of the United States.

"Let us," he declared, on a memorable occasion, "let us reduce to formulas our policy in America.

"First, *the immediate abolition of slavery.*

"Secondly, autonomy of the islands of Puerto Rico and Cuba, which shall have a parliamentary assembly of their own, their own administration, their own government, and a federal tie to unite them with Spain, as Canada is united with England, in order that we may found the liberty of those states and at the same time conserve the national integrity. I desire that the islands of Cuba and Puerto Rico shall be our sisters, and I do not desire that they shall be transatlantic Polands."

I repeat, that to such a line of policy as this, especially as it relates to Cuba, the United States would make no objection; nay, they could accord to it hearty co-operation and support, as the next best thing to the absolute independence of Cuba.

Of course, the United States would prefer to see all that remains of colonial America pass from that condition to the condition of absolute independence of Europe.

But we might well accept such a solution of present questions as, while terminating the cruel war which now desolates the island and disturbs our political intercourse, should primarily and at the outset abolish the iniquitous institution of slavery, and, in the second place, should place Cuba practically in the possession of herself by means of political institutions of self-government, and enable her, while nominally subject to Spain, yet to cease to be the victim of Spanish colonial interests, and to be capable of direct and immediate relations of interests and intercourse with the other states of America.

* * * * *

In these circumstances, the question what decision the United States shall take is a serious and difficult one, not to be determined without careful consideration of its complex elements of domestic and foreign policy, but the determination of which may at any moment be forced upon us by occurrences either in Spain or in Cuba.

Withal the President cannot but regard *independence*, and emancipation, of course, as the only certain, and even the necessary, solution of the question of Cuba. And, in his mind, all incidental questions are quite subordinate to those, the larger objects of the United States in this respect.

It requires to be borne in mind that, in so far as we may contribute to the solution of these questions, this Government is not actuated by any selfish or interested motive. The President does not meditate or desire the annexation of Cuba to the United States, but its elevation into an independent republic of freemen, in harmony with ourselves and with the other republics of America.

You will understand, therefore, that the policy of the United States in reference to Cuba at the present time is one of expectancy, but with positive and fixed convictions as to the duty of the United States when the time or emergency of action shall arrive. When it shall arrive, you will receive specific instructions what to do. Meantime, instructed as you now are as to the intimate purposes of the Government, you are to act in conformity therewith in the absence of any specific instructions,

and to comport yourself accordingly in all your communications and intercourse, official or unofficial, with persons or public men in Spain.

In conclusion, it remains to be said that, in accordance with the established policy of the United States in such cases, as exemplified in the many changes of government in France during the last eighty years, and in the Mexican Republic since the time of its first recognition by us, and in other cases which have occurred in Europe and America, you will present your credentials to the persons or authorities whom you may find in the actual exercise of the executive power of Spain.

The President has not, as yet, received any official notice of the termination of the authority of President Castelar and the accession of President Serrano, and of course we have no precise information as to the intention or views of the new executive of the Spanish Republic.

While we cannot expect from him any more hearty friendship for the United States than his predecessor entertained, it is to be hoped that he may not be moved by any unfriendly sentiments toward us. If, however, such should, unhappily, prove to be the case, it would be all the more necessary that you should be vigilantly watchful to detect and report any signs of possible action in Spain to the prejudice of the United States.

I am, &c.,

HAMILTON FISH.

No. 551.

Mr. Fish to Mr. Cushing.

No. 3.]

DEPARTMENT OF STATE,
Washington, February 6, 1874.

SIR: The attention of this Government has been frequently called by citizens of the United States to the wrong done them in the embargo of their property by the colonial authorities of Cuba for alleged disloyalty, in virtue of a decree of April 20, 1869. Their estates have been seized by arbitrary executive act, without judicial hearing or judgment, and in manifest violation of the provisions of the treaty of 1795. In many instances the seizure has been made with such improvidence and want of consideration, that the property of one person has been seized for the alleged offense of another. Promises were made, from time to time, to release some of these estates, which promises were evaded or deferred for insufficient reasons. In some cases, after promise had been given to disembargo the property, it was leased to strangers for a series of years, so as to render the order of disembargo ineffectual, and to continue to deprive the owner of the possession and use of his property.

Of course, no relief in the premises could be obtained by the action of the mixed commission sitting at Washington, and this Department continually insisted that the property itself should be restored to the owners by the same executive authority which made the seizure, leaving only the question of resulting damages to the consideration of the commission.

You are referred to the frequent and earnest instructions to your predecessor with regard to these cases. After various repeated and urgent remonstrances, the late government of Spain, on the 12th of July, 1873, on the recommendation of the minister of the colonies, setting forth the illegality of these acts of sequestration, their injustice to the parties interested, and their injuriousness even to the public interests, all em-

bargoes put upon the property of alleged disloyal persons in Cuba were declared removed from the date when the decree should reach the capital; it was ordered that all property disembargoed should be forthwith delivered up to its owners or their legal representatives; and a commission was appointed to hear and decide summarily upon all such applications as might be made by the interested parties.

Notwithstanding the imperative character of this decree, no regard was paid to it in Cuba for a length of time; it was not officially published there, and the authorities at Havana even proceeded to advertise for sale embargoed property belonging to citizens of the United States. These instances led to further remonstrances on the part of the United States.

At length, contemporaneously with the official visit of Señor Soler y Pla, minister of ultramar, to Cuba, partial execution was given to the decree of July 12, 1873, in so far as it applied to several of the parties named in a list communicated to the Spanish government by this Department.

It is now learned that in the case of some of the estates covered by that decree, and ordered by the commission to be delivered to the owners, delivery is obstructed on the allegation that the estates are subject to leases to third parties for a series of years, by which the owners are not only deprived of the actual possession of their property and of the income which it would yield in their hands, but the property itself is undergoing waste and depreciation.

The leases which are thus interposed as a justification for continuing to disregard the decree of the home government and the assurances given to this Government, and in continued violation of the rights of our citizens, are understood to be leases given by some pretended authority subsequent to the act of embargo.

In some cases, (that of Ramon Fernandez Criado y Gomez, for instance,) it appears that the authorities claim that the property was under judicial embargo and finally confiscated.

The chronological series of papers which accompany my No. 2, of even date with this, contains copies of the correspondence, telegraphic and otherwise, on this subject between this Department and its agents and the Spanish authorities. On examining it, you will find that the Spanish government has practically admitted that the seizure and retention of these estates was a violation of the rights of the proprietors.

You will therefore make it your first duty after your credentials are presented in Madrid, to represent to the government there, courteously but firmly, that the President expects to see the estates of American citizens which have been seized in Cuba in violation of the provisions of the treaty of 1795, whether by embargo or by confiscation, restored to them without further delay, and without any incumbrance imposed by Spanish authority in Cuba.

He does not question the willingness of the authorities at Madrid to comply with these expectations. It will be your duty, while giving assurances of our convictions of the good will of the Spanish government in this respect, to leave no doubt of our expectations that it will find means to compel its insubordinate agents in Cuba to carry into execution its agreements with this Government respecting these estates.

I am, &c.,

HAMILTON FISH.

No. 552.

Mr. Adee to Mr. Fish.

No. 176.]

UNITED STATES LEGATION IN SPAIN,
Madrid, February 10, 1874. (Received March 20.)

SIR: Referring to General Sickles' dispatch No. 973, in relation to the blockade of the northern coast of Spain, I have the honor to forward herewith a copy of the regulations for the Peruvian blockade of 1864, received to-day from Mr. Sagasta in response to my request to be furnished therewith. It will be remarked that these rules are framed with reference to the exercise of all the belligerent rights growing out of a recognized state of war between contending powers. It is extremely doubtful whether they will be insisted upon. I understand, through Mr. Layard, that Mr. Sagasta expressed the utmost surprise at the latitude given to the decree of January 31, by the inclusion of these regulations, and stated that the measure had been adopted without his knowledge.

I am, &c.,

A. AUGUSTUS ADEE.

MINISTRY OF STATE.

Regulations concerning the blockading of ports held by the enemy and the capture of hostile or suspicious vessels.

MINISTRY OF MARINE—DIRECTION OF ARMAMENTS.—MINISTRY OF STATE—DIRECTION OF POLITICAL AFFAIRS.

ARTICLE 1. A port held by the enemy is considered blockaded when its entrance is guarded by a number of vessels sufficient to render the passage dangerous.

ART. 2. Inasmuch as the blockade must be effective and constant in order to be considered valid, therefore, if storms or other circumstances drive or remove the blockading vessels from the entrance of the blockaded port, such neutral vessels as may enter or sail out during their absence shall not be considered to have violated the blockade.

ART. 3. A blockade shall not be considered fully in force until after notice shall have been given by the commander of the blockading squadron to the consuls of neutral powers, by means of a circular, summoning them to name, without delay, such time as they may deem necessary, at the expiration of which vessels belonging to their respective nations are to leave the port; and if the time fixed by them shall seem admissible, he shall so inform them, allowing free passage to such vessels during the time granted.

Information of the establishment of a blockade is also to be communicated to the government of Her Majesty, to the end that it may give due notice, diplomatically, to the governments of all neutral nations.

ART. 4. Even after the publication of this notice, the existence of the blockade is not to be considered as known to any vessel that may be bound to the blockaded port until after the delivery to it of the special notification, which is to be placed among the papers of such vessel by the commander of the war-vessel that may be designated for the purpose.

ART. 5. After the delivery of the special notification, any attempt to enter the port constitutes a violation of the blockade, and the vessel having made such an attempt is a lawful prize.

ART. 6. If a vessel which has been specially notified shall attempt to run the blockade, it shall be captured under any of the circumstances specified below:

1st. If it shall be surprised in the act of passing the line of the blockading vessels.

2d. If, having attempted to do so, it shall be pursued by one of the blockading vessels, said vessel not losing sight of it; for, if this condition be wanting, or if the pursued vessel shall enter a neutral port, it shall be free.

3d. If, after having passed the line, it shall attempt to sail out of the port, or to run the blockade again.

ART. 7. If a neutral vessel shall appear in the vicinity of the blockaded port, or

shall attempt to pass the line in the face of the fire of the blockading vessels, the shots fired shall be considered equivalent to the special notification, and the vessel may be captured.

ART. 8. If a neutral vessel of war shall attempt to run the blockade, after having been informed of its existence, it shall be driven back by force, being responsible for the consequences of its aggressive act.

ART. 9. If a vessel which is forced to seek a port in consequence of stress of weather, lack of provisions, &c., shall appear in the vicinity of the blockaded port, it may be allowed to enter, on furnishing proper evidence of the existence of the causes aforesaid. But if it shall have articles which are contraband of war on board, it must deposit such articles on board of one or more of the blockading vessels before entering the port, or pledge itself to keep them on board until its departure.

ART. 10. Under the designation *contraband of war* are comprised cannons, mortars, muskets, and arms of all kinds; bomb-shells, hand-grenades, balls, percussion-caps, fuses, powder, and saltpetre; articles of equipment, such as uniforms, straps, belts, saddles and bridles, and, in general, all instruments or articles manufactured for purposes of war.

ART. 11. The court which is to pronounce sentence in prize cases shall sit at —.

ART. 12. In case of a Spanish vessel being in danger, or being captured by the enemy, aid must be lent to it, and every possible effort made to recapture it, although such recapture shall give no right to the captured vessel. If such recapture shall have been made from a neutral vessel, it shall be considered as hostile in case of having remained in possession of the latter for more than twenty-four hours, unless there be special circumstances, the determination of which is reserved for Her Majesty.

ART. 13. Outside of the line of the blockade, and although no effort be made to run it, it is allowable to capture vessels belonging to the hostile state or to its citizens, together with all the property belonging to enemies which may be found on board, whenever a declaration of war has preceded the act of capture. The portion of neutral cargo that may be carried by such hostile vessels shall be free, provided it do not consist of contraband of war.

ART. 14. Under similar circumstances, any neutral vessel carrying goods contraband of war, official dispatches, troops, or seamen, to the enemy or for his account, shall be detained and captured; but if contraband goods do not constitute more than half of the cargo, the contraband articles only shall be confiscated, the remainder of the cargo, together with the vessel, remaining free.

ART. 15. Vessels whose neutrality is not shown by proper papers shall also be captured.

ART. 16. Vessels carrying double sets of papers, or such as appear fraudulent, shall be considered suspicious, and shall be searched. Also such as have not the papers required by the laws of the country to which they belong, and such as shall not heave to, when summoned to do so by the cruiser, or shall refuse to permit an examination of the compartments in which it is supposed that there is contraband of war, such suspicious vessels shall be treated as hostile vessels, unless the suspicion attaching to them shall be removed.

ART. 17. Neutral merchant-vessels, convoyed by a neutral vessel of war, shall not be searched. It shall be considered that they carry no contraband of war if the commander of the convoy shall so declare.

ART. 18. There shall be a copy of these regulations on board of each vessel belonging to the Pacific squadron.

MADRID, November 26th, 1864.

A correct copy :

GULLON.

No. 553.

Mr. Adee to Mr. Fish.

No. 180.]

UNITED STATES LEGATION IN SPAIN,
Madrid, February 24, 1874. (Received March 27.)

SIR: I have the honor to forward herewith a copy and translation of a decree dated the 19th instant, and published in the "Gaceta" of the 20th, extending, until the 5th of March next, the time fixed for the enforcement of the decree of January 31, declaring the northern coast of Spain, from Cape de Peñas to Fuenterrabia, in a state of blockade.

The proclamation of the blockade, as at first promulgated, was met

by energetic protests from the foreign powers whose Biscayan commerce would suffer interruption and hinderance by the sweeping measure proposed. These remonstrances acquired additional force in view of the grave international questions which might have arisen had the Peruvian blockade regulations of 1864 been applied in the present instance without modification, as seems to have been somewhat improvidently contemplated. The inconveniences likely to be entailed by such a course led to its essential modification, and fresh regulations were subsequently published for the guidance of the naval commander of the forces on the blockaded coast, and for the consular officers of Spain in foreign countries. Copies and translations of these, in the form of an order of the minister of marine, and of a communication from that officer to the minister of state, will be found appended hereto. These regulations, although changing to some extent the character of the proposed blockade and relieving it of the unqualified belligerent rights before assumed to exist, still failed to remove the weighty objections raised by foreign governments. Their representatives here pointed out the serious incongruities that remained. An extended line of coast was closed to commerce, while certain of its ports remained open under embarrassing restrictions. Ports not occupied by the Carlist insurgents, or even likely to be menaced by them, were blockaded. And the available naval force of Spain was inadequate to maintain an effective surveillance over two hundred miles of tempestuous coast, especially when the spring storms would constrain the blockading vessels to take frequent shelter in the widely separated harbors wherein safe anchorage could be found. The French government indeed gave official publication to the regulations of February 11, but under certain reservations.

Under these circumstances, the government of Marshal Serrano has determined to, at least partially, relinquish its contemplated purpose. As a preliminary step, the blockade is postponed until the 5th of March proximo, ostensibly for the purpose of giving time for an extended consideration of the whole subject with a view to adopting a definitive resolution which shall harmonize the many conflicting interests concerned. This is looked upon as merely a prelude to the final abandonment of the scheme.

I am, &c.,

A. AUGUSTUS ADEE.

[Inclosure 1 in No. 180.]

Decree of February 19, 1874, extending the time for the enforcement of the blockade of the Biscayan coast to March 5, 1874.

[Translated from "La Gaceta de Madrid," February 20, 1874.]

Decree.

The decree of the 31st January ultimo, declaring in a state of blockade the coast of Cantabria comprised between Cape de Peñas and Fuenterrabia, as a necessary measure for the isolation and prevention of the introduction of outside aid for the Carlist insurgents now infesting several provinces in the north, has given occasion for the presentation of petitions from commerce, in good faith, both national and foreign, to the government, setting forth the prejudices which necessarily will accrue thereto from such a measure, by reason of the continued transactions and the large interests affected thereby in the greater portion of the ports of the above-mentioned coast.

The government of the republic, which, while giving heed in the first instance to putting down the insurrection, does not for a moment forget the importance of our industry nor the necessity of encouraging it, and protecting, as it should, our mercan-

tile transactions, has decided to take into consideration the representations above mentioned, and until, after subjecting them to an extended examination, a definitive resolution shall be adopted which shall harmonize all interests so far as it may be possible, the government, in a council of ministers, decrees the following:

ARTICLE I. The term established in article 6 of the decree of the 31st of January ultimo, for the commencement of the enforcement on the coast of Cantabria of the state of blockade therein ordered, is prorogued until the 5th day of March proximo.

ART. II. The ministers of state and of marine shall give immediate information of this resolution to whom it may concern for its full publicity, for its communication to the representatives of Spain in foreign countries, and for its exact fulfillment on the part of the naval forces of operations.

MADRID, February 19, 1874.

The President of the executive power of the republic,

FRANCISCO SERRANO.

The minister of marine,

JUAN BAUTISTA TOPETE.

[Inclosure 2 in No. 180.—Translation.]

Order of February 11, 1874, fixing the regulations to be observed in the blockade of the Biscayan ports and coast, published February 13, 1874.

MINISTRY OF MARINE.

The government of the republic, in agreement with the council of ministers, has been pleased to decide that the rules and regulations expressed in the following articles shall be observed by the vessels ordered to cruise off the Cantabrian coast now declared in a state of blockade, according to the provisions of the 7th article of the decree of January 31st last.

ARTICLE I. The commanders of the vessels detailed to cruise off the coast of Cantabria comprised between Cape de Peñas and Fuenterrabia, shall take especial care to search all suspicious vessels, and shall endeavor to prevent the introduction of articles contraband of war into the blockaded ports.

ART. II. The following articles shall be deemed contraband of war for the effects of the blockade: Cannons, mortars, howitzers, guns, pistols, revolvers, and all kinds of arms; shells, grenades, balls, caps, metallic cartridges, fuses, gun-matches, powder, saltpeter, and sulphur; equipments, such as uniforms, straps, and belts, harnesses, saddles, and, in general, all instruments or articles manufactured for or of direct application to warlike purposes.

ART. III. As for the exercise of the right of search, especially with respect to foreign vessels, the commanders of the naval vessels should bear in mind that the jurisdictional maritime zone comprised within the limits of the blockade extends from the line drawn from one to the other of the salient points of the inlets and bays for the space of three miles outward; such being the situation of the blockade coast, that only those vessels bound to its ports are obliged to sail close to the land, and consequently any others doing to, and having a different destination, are to be deemed suspicious, except in extraordinary circumstances.

ART. IV. Although the right of search in time of war may be exercised on the high seas as well as in the territorial waters of either belligerent, the government, desirous of protecting, as far as possible, commerce carried on in good faith, as well under the national as under a foreign flag, enjoins the commanders of the forces detailed for operations on the coast of Cantabria to limit the search and indispensable detention of merchant-vessels to those found within the jurisdictional limits specified in article 3, except in cases of justified suspicion, in which they will proceed in a different manner.

ART. V. As for the form of the visitation, when it becomes necessary, it is to be performed in the terms laid down as a general rule in article 120, title 5, of the General Naval Ordinances of 1793; that is, the cruiser shall stop, whenever nautical circumstances permit, at the distance of a cannon-shot from the vessel which is to be searched, sending a boat out to her, from which only one officer and two or three men shall go on board, the first of whom shall limit his action to examining the papers showing the nationality and the nature and destination of the cargo.

ART. VI. Every foreign merchant-vessel found within the limits of the blockade with goods contraband of war shall be good prize.

ART. VII. Those foreign merchant-vessels which come for the first time to the limits of the blockade shall be especially notified that the coast is blockaded, an entry being made to that effect in their log-book, in their roll, and in the register or manifest of the cargo, under the signature of the officer who performs the search. If, subsequently,

the same vessel, with such entries on her papers, be found within the line of the blockade, she shall be good prize whatever may be the character of her cargo.

ART. VIII. The Spanish vessels which may be found within the limits expressed in article 3, or which, being laden in our ports for other loyal ports, may change their course and make for another occupied by the rebel forces, shall be detained and judged by the competent tribunals.

ART. IX. The blockading forces shall set no impediment in the way of the continuation of the voyage of any national or foreign commercial vessel which, having cleared from a port in Europe, America, or Asia with the requisites and guarantees expressed in a separate order of this date, may be bound direct to the ports of Gijon, Santander or San Sebastian, which are excepted from the blockade for this purpose alone.

ART. X. The commander of the cruiser shall give immediate and detailed notice, at the first opportunity, of all visits effected upon national or foreign vessels, to the general commanding officer of the blockading forces for his information and for circulation among the vessels of the same.

ART. XI. Fishery being for the present prohibited along the coast of the provinces of Vizcaya and Gimpuzcoa, comprised within the limits of the blockade, the commanders of the cruisers shall seize the vessels and their crews which shall infringe this regulation.

ART. XII. The general commanding officer of the naval forces on the coast of Cantabria shall fix a sufficient period of time for national and foreign vessels to quit the blockaded ports and roads in which they may be at the time, which they shall do in ballast, or with a cargo shipped prior to the day of the establishment of the blockade.

By order of the government of the republic I inform you of this for your information and its circulation and exact fulfillment.

May God guard you many years.

TOPETE.

MADRID, February 11, 1874.

The GENERAL COMMANDING OFFICER of the naval forces on the coast of Cantabria.

[Inclosure 3 in No. 180.—Translation.]

Communication from the minister of marine to the minister of state, reciting the regulations for the blockade of the Biscayan ports of Spain, dated February 11, 1874, and published February 13, 1874.

MINISTRY OF MARINE.

YOUR EXCELLENCY: In compliance with the precepts of articles 2 and 3 of the decree of January 31st ultimo, which declares in a state of blockade the coast of Cantabria from Cape de Peñas to Fuenterrabia, with the sole exception of the ports of Gijon, Santander, and San Sebastian, which for the present shall continue open to lawful commerce, the government of the republic, in a council of ministers, has decided upon the observance of the following rules:

First. The consuls, vice-consuls, or consular agents of Spain in foreign ports, will continue to dispatch, in the usual manner, every Spanish vessel which may be completely and legally qualified to enter the ports of Gijon, Santander, and San Sebastian, the only ones comprised in the blockaded coast to which this privilege is extended.

Second. The captains or consignors of the said vessels shall present to the consuls, vice-consuls, or agents referred to a statement of the packages, boxes, &c., expressing generally or in bulk the contents thereof, which compose their manifest and entire cargo, which latter must consist altogether of articles of lawful commerce, to the absolute exclusion of such as are declared contraband of war.

Third. The said consuls, vice-consuls, or consular agents shall remit to the administrators of customs of the above-mentioned ports excepted from the blockade and to which the vessels are bound, a general note of the total cargo they carry thither, in order that they may be examined and searched for other articles not specified therein. The naval authorities in the above-mentioned ports, or their delegates, may undertake the search of these vessels, even though on passing the line of the blockade and while on the open sea they may have been already visited by the Spanish cruisers for the self-same purpose of ascertaining that they carry no prohibited articles of war, or unregistered goods.

Fourth. Merchant-vessels legally cleared from foreign ports for those of Gijon, Santander, and San Sebastian, shall, to enable them to pass the line of the blockade and be admitted to those ports, be subject in every particular to the regulations laid down for Spanish vessels in the preceding rule.

Fifth. The provision contained in the 3d rule is extended to the administrators of customs of those Spanish ports from which national or foreign vessels may clear for the three ports before mentioned excepted from the blockade.

Sixth. For the present the following articles are declared contraband of war: Cannons, mortars, howitzers, guns, pistols, revolvers, and every kind of fire or side arms; shells, grenades, balls, caps, metallic cartridges, fuses, gun-matches, powder, saltpeter and sulphur; military equipments, such as uniforms, straps and belts, harnesses, saddlery, and, in general, all instruments or articles made for or of direct application to warlike purposes.

Seventh. To the end that the measures of which the adoption is compelled by the state of war shall be least prejudicial to maritime commerce carried on in good faith and to the industrial enterprises which develop Spanish interests under the shelter of the laws, those vessels, both national and foreign, which, while the blockade lasts, may seek clearance from national or foreign ports to any of those not excepted above, and comprised in the blockaded coast, belonging to the province of Santander or Asturias, may do so, clearing, in the terms fixed in these instructions in the first, second, and third rules, for the ports of Gijon and Santander, and thereafter, if the circumstances of the war permit, they may sail for the ports to which they are bound provided with the corresponding safe-conducts which shall be issued to them by the naval authorities in conformity with the instructions they may receive to that effect.

By order of the above-mentioned government of the republic, I have the honor to communicate the foregoing to your excellency for your information and for immediate circulation among the representatives of Spain in foreign countries.

May God guard your excellency for many years.

MADRID, *February 11, 1874.*

JUAN BAUTISTA TOPETE.

To the MINISTER OF STATE.

No. 554.

Mr. Fish to Mr. Cushing.

No. 5.]

DEPARTMENT OF STATE,
Washington, March 4, 1874.

SIR: I inclose, herewith, for your information, a copy of a dispatch of the 12th ultimo, No. 43, and of its accompaniments from Mr. Hall, consul-general of the United States at Havana, relating to the decree of the captain-general of the island of Cuba, declaring that island to be in a state of siege.

I am, &c.,

HAMILTON FISH.

[Inclosure.—Translation.]

Decree declaring a state of siege.

Don Joaquin Jovellar y Soler, lieutenant-general of the national armies, captain general, superior political governor of the island of Cuba, general in chief of the army of operations and director general of all the arms and institutions of the same, &c., in the exercise of the powers on me conferred, do hereby decree the following:

ARTICLE 1. From the publication of this decree the island of Cuba is declared to be in a state of siege.

ART. 2. Those guilty of the crimes of rebellion, sedition, and similar offenses against the interior security of the island and public order, their accomplices and abettors, and those guilty of willful murder, shall be tried by ordinary court-martial and sentenced according to the penalties prescribed by the articles of war.

ART. 3. Those who commit the crimes of simple homicide, robbery, theft, arson, smuggling, fraud, and forgery against the state, and other common offenses, shall, as heretofore, be tried by the common courts of law, reserving, however, to myself to transfer for trial and sentence by court-martial all those the gravity of whose offenses may demand it, or in which such a course may be deemed expedient, requiring, also, that the judicial authorities shall notify me within the shortest time possible of the cases pending which, in their judgment, from their importance, demand such proceedings.

And in order that this decree shall have due observance, and come to the knowledge of all the inhabitants of the island, the same shall be inserted in the public journals, published in the usual form, and circulated with rapidity throughout the island.

HAVANA, *February 7, 1874.*

JOAQUIN JOVELLAR.

No. 555.

Mr. Adee to Mr. Fish.

No. 182.]

LEGATION OF THE UNITED STATES,
Madrid, March 4, 1874. (Received March 27.)

SIR: The prolonged crisis of the past six weeks or more has reached a temporary halting-place in the investment of Marshal Serrano with, practically, absolute powers as chief of the state. A decree, adopted in cabinet council on the 26th ultimo, and published in the official gazette on the 27th, separates the functions of the President of the executive power from those of the president of the council, and clothes the ex-regent with attributions even more extended than those he possessed during the early stages of the revolutionary period.

But a few days had passed after the events of the 3d of January, when it became apparent that the cabinet, although united in the main purpose of overcoming the factions in arms in favor of the traditional monarchy, was divided on matters of governmental procedure. The published manifestations of the new government were seen to lack that perfect harmony which might be supposed to mark the accords of men avowedly joined in defense of the conquests of the revolution. These divergencies first arose with respect to legalizing the status of a situation not directly descended from a prior legality but rather built upon its ruins. The first expression of the purposes of the government, as seen in the circulars of the minister of the interior and in the manifesto to the nation, seemed to assume that by tacit acquiescence in the new order of things the country had accepted it without reserve, and that an appeal to the popular will would be not merely supererogatory but productive of fresh conflicts and embarrassing issues. These two publications agreed in relegating the minor questions of form and procedure to an ordinary legislature to be chosen at some future time when the country and the colonies should enjoy peace, and the constitution of 1869, modified in a republican sense and released from its enforced suspension, should again become the supreme code of the land. Next appeared the celebrated memorandum of the minister for foreign affairs. In this notable state paper a new political phase came into view. It was asserted in no doubtful terms that the renunciation of the crown by the late King had left a void which remained to be filled under the existing constitution, although by whom and how did not appear. Its general tenor regarded the republican experiments of the past year as merely passing disturbances, barren of results, and serving only as warnings for the future.

From this time the diverging tendencies in the cabinet became marked. The need of obtaining some form of popular ratification of the situation created by the garrison of Madrid on the morning of the 3d of January, was advanced with increasing boldness and opposed with equal persistence. On the one hand it was contended that an enduring legality remained to be established; on the other it was proclaimed that the republic was already the government of the country, and that nothing was left to do save to arrange mere matters of detail.

At this stage of the question, a bomb was dropped into the camp in the form of a proposition for a *plebiscite*. This was first broached by the organ of Admiral Topete, "*El Gobierno*," which was promptly fined for a violation of the somewhat stringent press regulations in force. The discussion was, however, initiated, and could not be stayed; a crisis was definitely set on foot. The project was received with benevolence

by a fraction of the republican party, following, it was rumored, the leadership of Castelar. It was proposed that two questions should be presented jointly for the vote of the people: the acceptance of the republic as the national form of government, and the elevation of Marshal Serrano to the chief magistracy, following the example, set in the neighboring republic, of Marshal MacMahon. The moderate republican alliance was expected to insure the success of the scheme, and it was even hinted that the acknowledged leader of that party might be persuaded to organize the first ministry under the new legality. The retirement of the conservative element of the present cabinet was predicted as a certainty. The federal republicans, as was to be expected, opposed the scheme. A *plebiscite*, they said, was an innovation in Spain. It detracted still more from the prestige of the Cortes—the traditional supreme power under a long line of Spanish monarchs—already shaken by the events of the 23d of April and the 3d of January. And the experience of the measure in France had shown its untrustworthiness as a means of obtaining a genuine popular verdict. Its result was a foregone conclusion; the usual ratification of the *statu quo* by the masses in favor of tranquillity at any price. As the question was likely to be put, its defeat rejected the republic, and its acceptance set a monarchist in supreme power. The abstention of the entire federal element was therefore counseled. The discussion was, beside, inaugurated at a most inopportune moment. The Carlists, emboldened by their partial successes of Monte Jurra and Puente la Reina, in which the army under General Moriones had not been able to accomplish the strategic movements it undertook, concentrated their forces in the Basque provinces, and redoubled their attack on Bilbao. The situation of that city was critical in the extreme; its supplies were practically cut off, its strongest outpost, Portugalete, had fallen, and the besiegers brought their approaches nearer day by day, till their guns were able to command the town itself. Moriones, abandoning his old line of operations, had shifted his forces by sea to the west of the beleaguered capital, and the rival armies stood face to face almost under its walls. A great battle was imminent, and much depended on its issue. The attention of the nation was fixed on the Cantabrian coast, where its fate might be decided any day. It was in no humor for entering upon a heated canvass. The actual government, so far as it represented anything, represented liberal Spain arrayed against traditionalism. A diversion now, however well founded in principle, might weaken the resistance to the common enemy. It was therefore given out that no real motive for a crisis existed, that no immediate appeal to the country was contemplated, and that the cabinet was a unit as to the expediency of conferring the supreme magistracy on Marshal Serrano, but the only points on which perfect harmony did not prevail were the title, attributions, and salary of the chief of the state. Ulterior questions would be postponed until the siege of Bilbao was raised.

A period of anxious suspense followed. All eyes were turned to the north. A fearful tempest, with deluging rains, swept over the Biscayan coast. The operations of the army were paralyzed. The transmission of supplies and men was stopped. The vessels of the fleet sought refuge in the nearest harbors. Communications with the forces in the field were interrupted. The wires were prostrated by the storm, or cut by roving bands of marauders. In the absence of trustworthy news, the wildest rumors gained credence. The bourse showed the feverish spirit of the day by its rapid fluctuations.

The storm at last ceased, and the forces under General Moriones

began to move. Then came reports that the struggle had begun. Hundreds of the wounded were arriving at Santander. The Carlists' positions were being carried one by one. If the heights of Avano could be won, Portugalete would be retaken and Bilbao saved. At this point, however, the national troops met with a reverse, and after desperate fighting were forced to fall back to the positions they held on the first day, near Somarrostro. This was speedily magnified by the alarmists into a disastrous defeat. The bourse fell, and Spanish three per cents touched 14.15, the lowest price yet quoted since the revolution of 1868. General Moriones urgently called for six battalions of fresh troops. Every train for the north was laden with re-enforcements. Marshal Serrano and Admiral Topeté determined to put themselves in person at the head of the land and sea forces. This brought to a climax the lingering cabinet crisis, which now bid fair to become chronic. The *deus ex machina* of the situation, General Pavia, interposed his influence, and, as a compromise, constitutional issues respecting name and powers were left open by the retention of the title borne by the chief executive since the renunciation of Amadeo, supreme power was given to Serrano by a decree in council, and the vexed question of the forthcoming presidency of the ministry was postponed by intrusting the office provisionally to General Zavala, the minister of war. The decree was published on the 27th ultimo, and on the same day the president and the minister of marine set out for the Basque Provinces.

An analysis of the several articles of the constitution referred to in the preamble and decree in question will show the indeterminate character of the solution reached. They relate to the functions and powers of a king. Article 35 provides that the executive authority shall reside in the sovereign, and be exercised through his ministers. Title 4 (articles 67 to 76) defines the powers of the monarch. His responsibility devolves on his ministers. He may declare war and conclude peace. If the constitutional guarantees be suspended by reason of public disorders, as they are now, he is absolute until peace be restored. And article 86 provides that his decrees and orders shall be countersigned by the responsible minister. The decree of February 26 confers all these powers upon Marshal Serrano. No limitation is assigned to the duration of his term of office. Even the seventy-sixth article, which directs the emoluments of the king to be fixed at the commencement of each reign, has been followed in the present instance, and it is announced that a decree will soon be promulgated granting an income of one hundred thousand dollars annually to the chief of the state. It is not surprising that this solution should be claimed by the most extreme partisans as in accordance with their doctrines. The moderate republicans see in it the renewed affirmation of the republic, while the constitutional monarchists accept it as a return to first principles, under a merely transitory change of name. The vague intimation found in the preamble that the country may be consulted at a fitting time, while standing as an acknowledgment that the legality of the act still awaits the national sanction, does not show the manner in which it is to be obtained. Nor is it evident in what way the suggested reform of the constitution, in a republican sense, is to be accomplished, whether by decree of a self-constituted executive, by summoning anew the historical Constituent Cortes of Spain, or by direct legislation in an ordinary parliament. In short, it may not inaptly be said of the present arrangement, as was said of the authority assumed by the Prince President of the French Republic of 1848, by Mr. Jerningham, the British chargé

d'affaires in Paris, that "if not absolutely perfect, it is at least perfectly absolute."

Meanwhile the gravity of the situation in the north remains unchanged, or is, perhaps, even greater than before. Spain has been well-nigh stripped of troops to re-inforce the army of operations in Vizcaya. The sending of men to Cuba has been suspended, and it is even proposed to take a thousand Carlist prisoners from the Cuban service and reship them to Spain for exchange. A fresh storm has delayed military movements on the one hand, while on the other the forces of the pretender, some twenty-five thousand strong, have had ample time to increase their already strong defenses. They still hold most of Aragon and Catalonia. Guerrilla bands roam almost without hinderance in the east. Santes is operating with a formidable column in Guadalajara, at some eighty miles distance from Madrid. Besides the army besieging Bilbao, Don Carlos can show a muster-roll of thirty thousand men in the rest of the peninsula. It seems, however, that the main issue is to be fought out before the heights of Somarrostro and Avano, and in the vicinity of Portugalete. The government of the 3d of January is staking all on the east. If it loses now, its future is critical to the utmost, and if it wins, the question of a definite organization of a national government on bases of unquestionable and lasting legality remains as a source of perplexity, and perhaps of peril.

I am, &c.,

A. AUGUSTUS ADEE.

[Inclosure.]

Decree of February 26, conferring the chief magistracy of the nation upon Marshal Serrano.

[Translated from "La Gaceta de Madrid," February 27, 1874.]

PRESIDENCY OF THE EXECUTIVE POWER OF THE REPUBLIC:

Decree.

Nations, like individuals, obey the instinct of self-preservation, and since they cannot die—for human society may be transformed but it does not perish—it is a law of history that in critical moments they always find in themselves the providential instrument of their salvation. So it fell out on the memorable 3d of January. The army, nobly represented by the garrison of Madrid, faithfully and fearlessly interpreting the national sentiment, which gazed with horror upon the advancing tide of general dissolution, rushed forward to meet the danger, and in a few hours, without effusion of blood, confident of the moral support of all the social forces, restored order and freed Spain from the horrors of demagogism.

Thus a perfectly legal state of things, but one that nevertheless appeared to be in close alliance with anarchy, was brought to nought amid the execrations of the people. The Cortes were dissolved, after having displayed their baleful impotence, and when they had already been doomed to a violent end through their own waywardness. And now, to replace the Cortes, a firm, energetic government became at once necessary; a government which, fortified by all the attributes of authority concentrated in it, should have the means to resist and dominate the Carlists, and to secure the tranquillity of the state so profoundly perturbed.

Since the uprising of the 3d of January was not the result of political combinations nor of dark conspiracies, but rather the spontaneous upheaval of society in self-defense on seeing its dearest interests ignored and trampled under foot; and since also heterogeneous elements, unanimous now in the one idea of saving the country, had joined hands without previous accord to this common end, the form of government came forth intact from this supreme crisis and was accepted as an existing fact, because the vastness of the peril and the greatness of the purpose hushed in nearly all parties the voice of rival aspirations. Without denying their antecedents, without failing in their pledges or breaking faith with their doctrines, urged on by the irresistible necessity of the hour, recalling the noble example offered by liberal and conservative parties in France, they demurred not to an honorable compromise with the republican régime which they found already established, and which the same military movement of the 3d of January was bound to respect and did respect.

From this political concord, imposed by events, and to which nearly all parties not

in arms loyally submitted, sprang forth a new situation, vigorous indeed, but more or less indefinite in form, as the natural result of the confusion that at first existed. If it was inevitable, and, perhaps, expedient, that the person elevated at that time to the supreme magistracy of the nation should assume also the presidency of the council of the ministers, yet now, when such urgent and temporary motives have in a great measure ceased, the indefinite prolongation of this anomalous state of things might give rise to serious and incessant conflicts. In all countries governed by a constitution the chief of state, whatever be his title, does not govern directly, but through responsible ministers, subject to removal from office; because, otherwise, if he were at one and the same time the judge and the party in a political or administrative measure, he would fail to discharge properly his ordained mission as a moderator, and would no longer be the impartial arbiter between the various tendencies which in modern society dispute the control of public opinion. No political organization, however imperfect, can contain a stable power which forms an integral part of transitory powers; nor is it conceivable how difficult cabinet questions can be resolved with unimpassioned judgment by one who, in the exercise of his office, is obliged to intervene therein, and perhaps even to initiate them.

The evil being known, and the difficulties of the first few days having been overcome, it becomes urgent to proceed with the separation and limitation of the powers and functions respectively corresponding to the president of the executive power and to the ministers, pursuant to article 35 of title 2, title 4, and article 87 of title 6, of the constitution; and it is all the more urgent, because it is the most expeditious mode of strengthening the government created by the legitimate exigencies of the nation, of facilitating its progress, and of giving to it conditions of regularity, which are always conditions of strength.

In order to attain this object, it is not necessary to change the nature of the power constituted on the morning of the 3d of January, nor to commit any act of usurpation; which, however, could in no case be such, especially as the gravity of our political status has placed discretionary authority in the hands of the chief of the government. It is only necessary that the President of the executive power should renounce any immediate and personal intervention in the counsels of the ministers, confining his functions to those which the constitution of 1869 attributes restrictively to the chief of the state, and which may be compatible with the character with which he is at present clothed, and those transitorily allowing the exercise of the extraordinary powers made indispensable by the violence of our civil discords. In this way, by establishing a legal separation between the supreme moderating power and the active elements of the government, the confusion that embarrasses, or rather paralyzes, political action is dispelled, constitutional precepts on the most essential points are affirmed, and the President of the executive power is relieved from functions which do not belong to him, and is clothed with due independence to exercise, within the orbit of expressly-defined faculties and attributions, his impartial and elevated magistracy.

In view of all these considerations, and without prejudice to an appeal to the country when its condition shall admit thereof, the government of the republic, in council of ministers assembled, has seen proper to emit the following decree:

Sole article.—In view of the constitutional incompatibility existing between the functions of the chief of the state and those corresponding to the president of the council of ministers, Don Francisco Serrano y Dominguez renounces the latter office, reserving only to himself, as President of the executive power of the republic, the powers and functions comprised in title 4 of the constitution of 1869, and the extraordinary powers with which he stands invested until the restoration of public peace.

Given at Madrid on the twenty-sixth of February, one thousand eight hundred and seventy-four.

The President of the executive power of the republic,

FRANCISCO SERRANO.

The minister of state,

PRAXEDES MATEO SAGASTA.

The minister of grace and justice,

CRISTINO MARTOS.

The minister of war,

JUAN DE ZAVALA.

The minister of marine,

JUAN BAUTISTA TOPÉTE.

The minister of finance,

JOSÉ ECHEGARAY.

The minister of the interior,

EUGENIO GARCIA RUIZ.

The minister of public works,

TOMAS MARIA MOSQUERA.

The minister of ultramar,

VICTOR BALAQUEZ.

Decree.

MADRID, February 26, 1874.

Exercising the powers and functions conceded to me by the constitution, I hereby order that Don Juan Zavala y de la Puente, minister of war, be charged with the presidency of the council of ministers.

The President of the executive power of the republic,

FRANCISCO SERRANO.

The minister of state,

PRAXEDES MATEO SAGASTA.

No. 556.

Mr. Adee to Mr. Fish.

No. 183.]

UNITED STATES LEGATION IN SPAIN,
Madrid, March 4, 1874. (Received March 27.)

SIR: I have the honor to forward herewith a copy and translation of a decree dated the 2d instant, and published in the official gazette of this day, indefinitely suspending the blockade on the northern coast of Spain, decreed on the 31st of January last. This action is understood to be due to the representations of France and England against the proposed measure.

I am, &c.,

A. AUGUSTUS ADEE.

[Inclosure.]

Decree of March 2, 1874, indefinitely suspending the blockade decree of January 31, 1874.

[Translated from "La Gaceta de Madrid," of March 4, 1874.]

MINISTRY OF MARINE.

Decree.

In deference to the continued reclamations of commerce, both national and foreign, setting forth the prejudices which will accrue thereto by the immediate enforcement of the decree declaring the coast of Cantabria, comprised between Cape de Peñas and Fuenterrabia, in a state of blockade; and in view of the necessities which may arise by reason of the Carlist insurrection, I have ordered, in conformity with the report of the council of ministers, the following:

ARTICLE 1. The decree of the 31st of January last, declaring the coast of Cantabria from Cape de Peñas to Fuenterrabia in a state of blockade, is hereby suspended until a further resolution be taken.

ART. 2. The ministers of state and of marine shall give opportune knowledge of this decree to those to whom pertains its due publicity, its communication to the representatives of Spain in foreign parts, and its exact fulfillment on the part of the naval operating forces.

Santander, March 2, 1874.

The President of the executive power of the republic,

FRANCISCO SERRANO.

The minister of marine,

JUAN BAUTISTA TOPÉTE.

No. 557.

Mr. Adee to Mr. Fish.

No. 189.]

UNITED STATES LEGATION IN SPAIN,
Madrid, March 9, 1874. (Received April 2.)

SIR: I have the honor to transmit herewith for your perusal an interesting letter from the Porto Rican correspondent of "La Epoca," pub-

lished in that journal last evening. It is valuable as representing the views held by the reactionists in the lesser Antilla, and the satisfaction the partisans of the old *régime* find in the prompt removal of General Primo de Rivera from command by Marshal Serrano's government and the investment of General Sanz with the powers he held two years ago. The wise and patriotic administration of General Primo de Rivera is denounced as an epoch of sheer communism, to be condemned by all order-loving Spaniards. The reforms inaugurated in the last months of Amadeo's reign are deplored as unmixed calamities; joy is expressed that the baleful influence of the "filibusters" is brought to an end, and confidence is felt in the happy results of the energetic measures adopted by the newly-replaced captain-general. That they were most energetic hardly admits of doubt. The liberal press was promptly suspended as a preliminary. Within a week General Sanz, by virtue of the extraordinary powers conferred upon him by the government of the 3d of January, suspended all the constitutional guarantees; dissolved the provincial legislature and appointed another in its place, under the presidency of the Marquis de la Esperanza, the old leader of the pro-slavery party in the island; replaced all the existing town-councils by others appointed by himself, and removed the three "protectors of the freedmen" appointed under the late emancipation act, filling their places by honorary appointments in the interest of the partisans of reaction. The powers given to General Sanz are understood to be discretionary to the full, as his introductory decrees show, and it is expected that they will shortly be followed by others equally energetic, tending to restore the old status of Porto Rico. Since the measures adverted to, and those established by General Jovellar in Cuba in the exercise of the absolute authority recently restored to the commander of that island, are clamorously applauded by all the adherents of the actual government of the mother country, they may safely be accepted as the expression of the colonial policy of Marshal Serrano's administration. I need do no more than allude to the now-famous batch of decrees issued by the captain-general of Cuba early last month, and of which the text was doubtless in your possession before their publication here. These measures were for the most part resolved upon in cabinet council here in January, and responded to the anxiety caused to the new ministry by the increasingly-critical condition of affairs in Cuba, by the alarming activity and boldness of the insurgents, by the near close of the fifth campaign of the rebellion, as yet profitless of any decisive results in favor of Spanish domination, by the impossibility of dispatching reinforcements to make good the numerous annual losses, and by the desperate state of the insular finances. The best results are anticipated from General Jovellar's action, and much stress is laid on the circumstance that he is no longer subject to fanatical legislative interference in insular matters or the unwise and hampering control of the executive. In short, they have awakened conservative confidence to such an extent that the journals already announce the insurrection as in its last agonies, an announcement which at least lacks the merit of novelty if not of trustworthiness.

I am, &c.,

A. AUGUSTUS ADEE.

[Inclosure.—Translation.]

Letter from Porto Rico, published in "La Epoca," Madrid, March 8, 1874.

PORTO RICO, February 12, 1874.

President Serrano's cabinet have made a most excellent selection in appointing General Sanz as governor-general of this island. Had it not been for this appointment, and for the taking of Cartagena, many misfortunes would have happened in Porto Rico. At a first glance it seems as if Cartagena had nothing to do with this province. We shall see, however, that we have been on the point of having partisans of Contreras here.

The nine months that we had of rebel propagandism greatly excited the minds of the people of this island, who are as impressionable as they are innocent in political matters. On seeing the military officers banished who had most distinguished themselves by their attitude at Lares, or by the identity of their views with those of the Spanish party; on seeing deported to the little island of Vieques the only member of the expelled party who returned; on seeing that the reform press were permitted loudly to demand the disarming of the volunteers and of the civil guard; on seeing the disorganization of compulsory labor and the annulment of the contracts for three years to which the freedmen were subjected by the law of emancipation; on seeing provincial and municipal interests intrusted to unskillful, utilitarian, and insolvent hands; on seeing the plague of office-seeking developed with a celerity the like of which had never before been known; on seeing the scandals caused by political manifestations, which were not prevented by the authorities, and which hauled down the Spanish flag with impunity at San German and other places; on hearing the filibuster cry of "*Hurrah for free Porto Rico!*" raised before the very eyes of the captain-general, who was haranguing a crowd composed mainly of negroes; on seeing a military officer of high rank acting as vice-president of a federal reform committee presided over by one of the amnestied actors at Lares; on seeing the Jesuits' college basely attacked, not because they were Jesuits, but because they were Spaniards; on seeing the secret societies (which here are always promoters of filibusterism, whether called masonic or otherwise) making threatening demonstrations in the public prints and at public meetings; on seeing the civil guard stripped of its powers and wholly under the control of alcaldes belonging to the reform party; on seeing the captain-general taking turns with the negroes at his balls and his greased-pole games; on seeing, in a word, these and similar abuses permitted, encouraged, and even applauded by the authorities, the audacity of federals, secessionists, and demagogues rose to such a height that the least spark would have been sufficient to cause a conflagration had it fallen upon this pile of combustible material.

On the 13th of February news reached this island, via Havana, of the downfall of the federal Cortes, which were dissolved without effusion of blood, and almost fell to pieces of themselves at the mere sight of the bayonets of the intrepid General Pavia. The news was joyfully received here by the unconditional Spaniards, and with terror by those who are Spaniards only on certain conditions. The blow was a fatal one for the reform federal party of Porto Rico. This was undoubtedly the reason why the wire-pullers at once began to console their friends by means of a thousand fables, each one more alarming than its predecessor. Some said that the constituent Cortes had transferred their sessions to Saragossa, where they held the reins of government and were the only legitimate authority in Spain. Others asserted that the entire southern half of the peninsula had risen in a cantonal insurrection. Some said that the illustrious Duke de la Torre and his companions had been dragged through the streets. Others that the besieging army at Cartagena had been routed by the intransigentes.

To all this the reform press, or, in other words, that which was considered here as the ministerial press, said in every tone that the government "created by the fourteen thousand bayonets of Pavia was an illegitimate government." "To which of the governments of Spain do we owe obedience?" asked the so-called federal reform papers; "to that of Contreras, that of Don Carlos, that of Serrano, or that of the legitimate constituent Cortes?" And the panic spread among the good, and the audacity of the bad increased. Next came the news that, in a certain village, the alcaldes of the vicinity were holding meetings, at late hours of the night, in the interest of filibusterism, and that these meetings were attended by men whose hostility to Spain and to all orderly government was well known; and it was said that, in certain localities, companies of rebelliously-disposed persons had been formed, and that, after having chosen captains, officers, sergeants, corporals, and even commanders, they were being drilled in musket-firing. Places were pointed out where guns had been introduced, and stories were told of strange men who had ridden through the various jurisdictions at full speed, circulating documents supposed to have been issued by General Primo de Rivera.

Meantime, other circumstances rendered the attitude of the authorities more suspicious. One spoke of mysterious interviews; another of emissaries sent to the rural

districts; another of proclamations in which it was stated that there was no government in Spain, and that the conduct of Pavia and Serrano was iniquitous. Finally, counsel and support were asked of the town-boards.

Be the facts as they may, what seems most true is that news unfavorable to the government was received on the 24th via the United States, and this news was sent by telegraph to the town-boards, and on the 25th the following notice was posted up in all the towns, in the most conspicuous places:

"His excellency, the superior governor, addresses to me the following telegram, bearing date of to-day: 'Reports have been circulated at the capital both in favor of and against the present situation. I know nothing officially. Foreign papers say that Barcelona has risen against the government of Serrano; that the fortress of Monjuich has opened fire on Barcelona; that Cartagena has repulsed an attack; that Portugalete is in the hands of the Carlists, and Bilbao bombarded. Nothing can be believed; but the situation of Spain is worse than ever; let this serve us as an example to maintain order, and to obey the laws and the *legitimate authorities*.'

'PRIMO DE RIVERA.'

We will not closely examine the spirit of this communication. It is unnecessary.

At last came the 26th, a sad day for the ultra reform party. Submarine communication between Ponce and Jamaica had just been opened by means of a new cable instead of the old one, which had been broken. The first news received by the new cable was that Cartagena had surrendered, and that General Sanz had been appointed captain-general of Porto Rico. A thunderbolt falling among a herd would not have produced so magical an effect as did this important news. The piratical flag, around which the disintegrating elements of our society intended to rally, had fallen in shreds before the guns of General Lopez Dominguez; the name most beloved by the good and most feared by the bad, that has ever been known in this province, had crossed the Atlantic.

The scene was at once changed. Those who expected to disturb the public order and to unite their forces under the shadow of a political standard and under the protection of a superior authority, blinded by party spirit, trembled. There was no longer time for anything. The telegram said that General Sanz had sailed, and, consequently, in from four to six days, he would be here at the head of an army, and of a force of volunteers who adored him. What was to be done? The captain-general sounded the retreat by publishing in the *Gaceta* of the 27th the fact that Cartagena had surrendered. He concealed nothing but the coming of General Sanz.

But, if this checked the revolutionary elements in their way to ruin, it was not sufficient to destroy the impulse which they had received. Suspicious meetings multiplied. Mr. Primo de Rivera understood his own situation and that of the country which he had disturbed, and, on the 31st of January, he published in the *Gaceta* a circular, which made noble amends for his previous errors.

"The report is circulated," said he, addressing the *alcaldes*, "that there is a project on foot to disturb public order.

"You will immediately adopt all necessary prudential and repressive measures to dissipate these rumors, and if the smallest fact gives ground for them, you will avail yourself of the aid of the civil guard, of the volunteers, and of the army, adopting all such measures of vigilance and of repression as the case may require. Public order is not to be disturbed for a single moment. The *alcaldes* will be personally responsible to me for this."

This document, it must be confessed, was received with disdain by some and with concentrated anger and indignation by others. To the former it was too late; to the latter it appeared to be a desertion, as if there was a Spaniard capable of betraying his country.

Hereupon the 2d day of February arrived. The steamer *Isla de Cuba* entered in the morning, having on board the wished-for general.

The inhabitants were animated; the shops were closed in order that the volunteers might go to receive the general to whom the country owes so much. An immense number of people repaired to the wharves to welcome his excellency.

But here occurred an incident already foreseen. Mr. Primo de Rivera refused to give up the command, under the pretext either that he had not received or that he was not willing to receive orders to that effect from Madrid. The upright of the authorities assembled. General Sanz, having been made acquainted with these scruples, sent his credentials to Primo de Rivera. All this delayed the hour of landing. The second in command gave orders for the troops to form, and, under the pressure of circumstances, Mr. Rivera concluded to give up the command, not to General Sanz, but to Brigadier Enrile, who immediately went to receive the new captain-general.

Never has the city of Porto Rico received a governor with so much joy, with so many demonstrations of pleasure, and with such a large and intelligent gathering of spectators as those with which it received General Sanz. Scarcely had the ceremony terminated of delivering the keys at the gate of San Justo, which is at a pistol-shot

arf, when thousands of voices hurraed with indescribable enthusiasm

for the new superior authority. Even the negroes shouted, "Long live the liberator of Porto Rico!" "Long live our captain-general!" "Long live General Sanz!" When this officer had arrived at the cathedral, passing between two long files of soldiers and volunteers, who with the greatest affection paid him the honors due to his high rank, the temple was crowded with the people of the town to such an extent that many individuals had to remain outside. Many balconies were spontaneously decorated with tapestries of the Spanish flag. At night a popular band of music struck up a serenade, which was afterward continued by the military and volunteer bands.

But the popularity of the new governor was instantly increased on the publication of his magnificent and magnanimous proclamations to the inhabitants, soldiers, and volunteers of Porto Rico. Order, union, morality, adherence to the nationality, forgetfulness of the past, these were the synthesis of those documents. Although I know that your enlightened journal must needs receive and publish those remarkable documents, I cannot forbear to copy the following beautiful passage, which has turned not a few hearts in favor of Mr. Sanz:

"I come not to cause tears to be shed on account of violent repressions, but to dry them up with voluntary solicitude; I come not to impose slavery again, as you have been told, but to render effective your liberty, to which I have contributed by my vote as a deputy of Porto Rico; I come not to augment differences of opinion, but to exert myself to have them disappear forever; I come not to awaken ancient dissensions, but to extinguish, by means of forgetfulness, any error which has a tendency to destroy our common nationality, any design which may have been entertained in disregard of your interests or to the injury of Spain.

"Integrity of our country, union of all Spaniards, toleration of all opinions, austere morality in administration, these are my programme."

As soon as he assumed command the new governor went to work with that nervous activity which characterizes him to restore this agitated community to its normal condition. It is true that he has an intelligent and experienced auxiliary in Mr. Diz Romero, appointed secretary of this government. On the same day that he arrived the general ordered the directors of the press of the capital to be called before him, and told them that every newspaper which should speak against the national integrity or against the constituted government, or should fling to the winds of publicity seditious writings, having a tendency to disturb order, would be suppressed, and of its director would be exacted the proper responsibility. Under this plain admonition the incendiary press kept silence. The Progreso, which on the day before had announced its disappearance for want of subscribers, ceased to be published. The Canta-Claro and the Diablillo Rojo, of Ponce, uncompromising organs of insular federalism, of their own accord also failed to see the light of day.

On the 3d the "Gaceta" published a brief decree, suspending in this province articles 2d, 5th, and 6th, and paragraphs 1st, 2d, and 3d of the 17th, of Title I of the constitution. The federalists had not recovered from this confusing blow when, in the following number of the "Gaceta," that of the 5th, was published a decree, laconic and expressive, like all those of General Sanz, in virtue of which the provincial deputation has been dissolved and another has been appointed, composed of the most distinguished persons in the country, at the head of which has been placed the Marquis de la Esperanza, that illustrious son of Porto Rico who has made so many sacrifices to bear aloft in this land the Spanish flag. Two days afterward, on the 7th instant, there appeared in the official newspaper another decree dissolving the insolvent municipal councils which existed, and appointing others chosen from the principal landholders of each locality, always endeavoring to put in these corporations a majority of natives of the country, without caring, provided they were orderly persons of property, whether they belonged to the reformist party or not.

All these measures, effected one after another with prudence and rapidity, have disconcerted the neo-federalist party, and communicated consistency and vigor to the Spanish party. The country, oppressed and annoyed by the insupportable taxes imposed upon it by its regenerators, has consented with thanks and contentment to other necessary counter-reform taxes. I think that if General Sanz continues here as long as he ought, tranquillity, wealth, and happiness must be restored to this unfortunate country.

Already the superior authority referred to has ordered to be undertaken with energy the construction of a road from here to Ponce, an indispensable highway, which will communicate life and abundance to many fertile valleys that now lie isolated in the interior. Already, too, he has begun to effect savings as to the number of officials by abolishing the three protectors of freedmen, whose compensation was \$7,500, and appointing representative persons to fulfill the duties honorarily.

Well does the reputable, honest General Sanz begin his second administration. I know not whether filibusterism will venture to make its appearance soon. It is possible. Some time since there was talk of large sums held by the separatists abroad for the purpose of bringing four simultaneous expeditions to light up the flames of

civil war at the four most strategic points of the sea-coast. But I know that the general is following with avidity the trail of those intrigues, and that if a "Virginus" should make its appearance here, there will also be Costillas and Burriels. In short, I can assure you that the great majority of the country is with Spain, and with her worthy representative, General Sanz. All from our inmost hearts thank the government presided over by the Duke de la Torre for the excellent choice it has made in sending to us for governor of this island him whom its capital had three consecutive times elected to represent the Spanish party in the Cortes of the nation.

As respects the military, the captain-general has not yet adopted any important measures, as he is awaiting his chief of staff, Colonel Don Manuel Cortés, sent for a third time to Havana on account of intrigues of filibusterism. But his excellency has already caused to be brought from Ponce and Mayaguez the two thousand muskets which Mr. Primo de Rivera had withdrawn from this post, leaving it without any reserve. With the muskets have come 140,000 cartridges, which had been taken with them.

I finish this letter by saying that the departing general began to make his expiation on embarking. Nobody, not even his aides or his friends, accompanied him. He went alone, sad and abandoned, on board of the Pizarro, at the same time that Mr. Sanz was the subject of the enthusiastic ovation which has been referred to.

No. 558.

Mr. Adee to Mr. Fish.

No. 193.]

UNITED STATES LEGATION IN SPAIN.
Madrid, March 14, 1874. (Received April 4.)

SIR: I have the honor to forward, herewith appended, copies and translations of decrees dated the 10th instant, accepting the resignation of General Jovellar as captain-general and superior civil governor of Cuba, and appointing as his successor Capt. Gen. José de la Concha, with the titles of governor-general, captain-general, and commander-in-chief. I also annex copies and translations of two other decrees of the same date, one of which suppresses the office of civil governor of Havana and creates a mayoralty in its place, while the other changes the title of the superior civil governor of the island to that of governor-general, and defines the powers and functions of the office, creating at the same time two general directions of insular administration and finance, under the control of the superior authority. You will observe that the last paragraph of Article II provides that all questions relating to international matters are within the exclusive cognizance of the governor-general. As the powers belonging to that latter office depend upon the colonial ministry, and are not merged in the captain-generalcy, as has been heretofore asserted in some instances, it is to be hoped that all ground of conflict between the military and civil orders emanating from the home government and affecting foreign citizens, will hereafter be obviated. Since his nomination was decided upon, General Concha has been in almost daily consultation with the president of the council, General Zavala, concerning the course to be pursued on taking supreme command in Cuba. It is understood that his plan of operations has been submitted to the government and approved. It is stated that, in an elaborate memoir on the subject, General Concha deprecates the assumption that the insurrection in Cuba is near an end, and needs but a final energetic effort to crush it. He is represented as saying that the resources and number of the insurgent forces, and the difficulty of conducting operations in the territory held by them, point to a protracted contest, in which skill rather than numbers must prevail. The rumor that he had demanded large re-enforcements is contradicted, and it is

said that, while six or eight thousand fresh troops are needed to keep up the insular contingent to its full standard, the present situation in Spain forbids their being sent, and the financial embarrassments of the island do not admit of any considerable increase in the actual numbers of the army of Cuba.

General Concha will sail for Havana on the 18th instant, in the regular mail-steamer, the departure of which has been delayed to allow of the completion of the necessary arrangements for his departure.

I am, &c.,

A. AUGUSTUS ADEE.

[Inclosure 1 in No. 193.]

Decrees of March 10, 1874, accepting General Jovellar's resignation and appointing General Concha captain-general of Cuba.

[Translated from "La Gaceta de Madrid" of March 14, 1874.]

PRESIDENCY OF THE COUNCIL OF MINISTERS.

Decrees.

Acceding to the re-iterated desires of Lieut. Gen. Don Joaquin Jovellar y Soler, I hereby accept the resignation he has tendered of the offices of captain-general, superior civil governor of the island of Cuba, and general-in-chief of the army of the said island, proposing to myself to make use of his distinguished services as soon as possible.

SOMORROSTRO, March 10, 1874.

The President of the executive power of the republic,

FRANCISCO SERRANO.

The president of the council of ministers,

JUAN DE ZAVALA.

I hereby appoint as governor-general, captain-general of the island of Cuba, and general-in-chief of the army thereof, Don José Gutierrez de la Concha é Trigoyen, captain-general of the army.

SOMORROSTRO, March 10, 1874.

The President of the executive power of the republic,

FRANCISCO SERRANO.

The president of the council of ministers,

JUAN DE ZAVALA.

[Inclosure 2 in No. 193.]

Decrees of March 10, 1874, establishing certain administrative changes in Cuba.

[Translated from "La Gaceta de Madrid" of March 14, 1874.]

MINISTRY OF ULTRAMAR.

Decrees.

At the instance of the colonial minister, and in accord with the council of ministers I hereby decree the following:

ARTICLE I. The political government of the jurisdictional territory of the city of Havana, instituted by the royal decree of October 14, 1859, is suppressed.

ART. II. A mayoralty (*alcaldia corregimiento*) is created in that city, the functions of which office shall be the same as those conferred upon the political governor, as *ex-officio* president of the town council, (*ayuntamiento*), by the royal decree of January 30, 1866.

ART. III. The mayor (*alcalde corregidor*) shall be appointed by the colonial minister on the proposal of the governor-general of the island.

Given in Somorrostro March 10, 1874.

The President of the executive power of the republic,

FRANCISCO SERRANO.

The colonial minister,

VICTOR BALAGUER.

Decree.

To the end that the superior authority of the island of Cuba may proceed in the exercise of his governmental and administrative functions with the security, the rapidity, and the energy which are conjointly demanded by the state of the war and the management of the treasury, without prejudice to the integrity of the faculties appertaining to the central power, on the proposal of the minister of the colonies and in accord with the council of ministers, the President of the executive power of the republic decrees the following:

ARTICLE I. The superior authority of the government of the republic in the island of Cuba shall be hereafter styled "governor-general."

His duties and faculties in matters relative to the *Patranato de Indias* and to the departments of war and marine shall be those to-day possessed by the superior civil governor of the said island under existing laws and regulations.

In the civil branches of the public service of the state, he shall have the obligations and powers conferred upon the superior civil governor by the royal decree, now in force, of the 26th of November, 1867.

In the extraordinary cases which may occur in the government of the island, he may make use of the faculties, likewise extraordinary, consigned in the orders now in force.

ART. II. For the administrative and economical *régime* of the island, there are established, under the authority of the governor-general, two directions general, one of civil administration and the other of finance.

To the former pertains the immediate charge of all the administrative services previously under the control of the suppressed direction of administration, according to the general schedule which accompanied the above-mentioned royal decree.

To the direction of finance pertains the immediate control of the economical services now under the management of the intendente general de hacienda, in conformity with the orders and regulations now in force. Cognizance of matters of public order and of those of an international character rests exclusively with the governor-general.

ART. III. For the dispatch of the business to which the last paragraph of the preceding article relates, a secretary's office of the governor-generalcy is established.

ART. IV. The governor-general shall prepare the regulations for the execution of the present decree and submit them to the approbation of the ministry of ultramar.

He shall also prepare plans for the *personnel* of the above-mentioned officers, and shall submit them to the said ministry, reducing the estimates and making such retrenchments as may be possible without detriment to the exigencies of the service.

ART. V. All laws and regulations incompatible with this decree are hereby revoked. Given in Somorrostro, March 10, 1874.

The President of the executive power of the republic,

FRANCISCO SERRANO.

The colonial minister,

VICTOR BALAGUER.

No. 559.

Mr. Adee to Mr. Fish.

[Extract.]

No. 207.]

UNITED STATES LEGATION IN SPAIN,

Madrid, April 19, 1874. (Received May 7.)

SIR: I have not ventured to review the political situation in the Peninsula for some time past, as we have continually seemed to be on the brink of stirring changes which have not come about, and as the countless prophecies and predictions born of the dearth of trustworthy news are generally contradicted by the events of the succeeding day. During the six weeks that have passed since my No. 182 was sent, only two prominent facts seem worthy of record—the inability of General Serrano to force a passage through the Carlist lines at San Pedro de Abanto, and the continued leaning of the government of the 2d of January toward reaction, as shown in its measures and public appointments.

Nearly the whole of March was suffered to pass by before Marshal

Serrano began his anxiously-expected movement against the forces of the pretender. The weather having become settled and all available re-enforcements having arrived, hostilities were opened afresh on the morning of the 25th ultimo, and a strong force was thrown over the narrow stream called El Rio de Somorrostro. The outlying picket stations of the Carlists were soon carried, and the fight began in earnest. For three days the republican troops were hurled unavailingly against the almost impregnable works that defended San Pedro de Abanto, the key to the position. The soldiers fought bravely, and the few instances of demoralization that occurred were promptly checked by their general officers rallying the men and leading the attack in person. It was in a crisis like this that Generals Primo de Rivera (a brother of the late governor of Porto Rico) and Loma were wounded at the head of their columns. On the evening of the 27th, after a long and bloody day, the unequal contest was suspended, ostensibly for the purpose of burying the dead, and has not yet been resumed.

Marshal Serrano has occupied and fortified the positions taken in the first day's fight on the east side of the brook of Somorrostro, and has limited his offensive operations to long-range practice on the buildings presumed to be occupied by the Carlists. The supply of telegrams from the front, which began with much exuberance on the morning of the 25th, soon slackened and then ceased, and we now have only the stereotyped formula, "no news from headquarters."

A violent storm has raged on the coast for some ten days past, and communications by sea and land have been so effectually interrupted that we have been for eight consecutive days without a mail from the north. One has at last arrived to-day, but as its distribution is a somewhat slow and elaborate process we probably shall have to wait till to-morrow or next day before it is completed.

* * * * *

It is said, and probably with foundation, that the nomination of Marshal Concha to the command of a corps, as yet but partially organized, responded to the desire of Marshal Serrano to have a chief officer at hand to assume superior command in the north and direct the coming attack, in case events should compel the return to the capital of the President and commander-in-chief at a critical moment.

* * * * *

I am, &c.,

A. AUGUSTUS ADEE.

No. 560.

Mr. Cushing to Mr. Fish.

No. 12.]

LISBON, May 6, 1874. (Received May 28.)

SIR: I arrived here on the 29th ultimo, and have remained watching the progress of the war in Biscay, in order to decide at what time to proceed to Madrid.

Everything which has occurred since the date of my dispatch No. 6, of April 10, has tended to justify the conclusion then reached of not landing at Santander.

Intelligence has now arrived here of the success of the efforts of President Serrano to raise the siege of Bilbao. This result has been ob-

tained, *avowedly*, in imitating the strategic movements adopted by General Grant before Richmond. A large force under General Concha was detached to turn the lines of the Carlists on their left, while General Serano operated on their right, and by means of a feint upon their center and the consequent accumulation of their forces at that point, he made sure the success of General Concha.

The effect of these operations was to compel the Carlists to abandon all their positions before Bilbao. It appears, however, that they retreated in order, and that thus, although defeated in their attempt to gain possession of Bilbao, they still continue in force, both in the Basque Provinces and in Navarre and Catalonia. But the campaign on the part of the government has been so far triumphant as to strengthen and confirm the power of President Serrano.

Meanwhile, however, there is extreme political agitation at Madrid, with many indications of the approaching dissolution of the present cabinet, and the formation of a new one of more homogeneous elements, but still under the presidency of General Serrano. For, although the enemies of President Serrano—and he has many—have the opportunity now of crying up General Concha at his expense, yet, on the whole, he seems to continue to have greater strength for the moment than any other person in Spain.

Numerous reasons have presented themselves to forbid my appearing at Madrid prior to the determination of the military and political issue at Bilbao, and before the return of the President to the capital, invested with the prestige of victory; without which, indeed, it would have been impossible for me to present my credentials, or to enter into any official relations with the government.

I shall now proceed by way of Badajos to Madrid.

I have, &c.,

C. CUSHING.

P. S.—I desire to express my obligations to Mr. Lewis, minister resident of the United States in Portugal; also to Mr. Diman, the consul here, for many acts of voluntary aid and courtesy, received from them during my detention at Lisbon.

No. 561.

Mr. Cushing to Mr. Fish.

No. 21.]

LEGATION OF THE UNITED STATES,
Madrid, June 1, 1874. (Received June 22.)

SIR: I have the honor to report that my official presentation to the President of the executive power of the Spanish republic took place on Saturday the 30th ultimo, according to the usual forms practiced in Spain.

At the appointed hour there came to the legation two state coaches, drawn by four horses each, attended by outriders, in one of which was the chief clerk of the ministry of state, Señor Millan y Caro, discharging the duties of introducer of ambassadors, to accompany me to the presidency; and, in the other, an adjutant of the Duque de la Torre, the Conde de Paredes de Nava, to accompany Mr. Adee.

On entering the presidency, as well as on leaving the same after the act of presentation, there were salutes from a company of artillery drawn up in front of the presidency.

We were met at the foot of the staircase by two adjutants of the Duque de la Torre, Señores Carvajal and Sartou, who accompanied us to the hall of receptions, where awaited us the President, in the uniform of a captain-general of the army, having the minister of state on his left hand, and surrounded by his adjutants and by the Señores Nuñez de Arce, Boada, and Fernandez Miró, secretary general and officials of the presidency.

I then addressed the President in the following words :

SIR: I am instructed by the President of the United States of America to deliver to your excellency, the President of the executive power of the Spanish republic, letters accrediting me as envoy extraordinary and minister plenipotentiary of the United States to this republic.

I am further instructed to embrace the present occasion to say that the President of the United States earnestly desires to maintain unimpaired the relations of peace and amity between them and Spain, which commenced at the very epoch of the independence of the United States, and which, notwithstanding the many disturbing events of the century thus elapsed, have never ceased to prevail, thanks to the sentiments of reciprocal consideration which have at all times controlled the counsels of the respective governments.

On my part it is the dictate not more of duty than of pleasure to assure your excellency of my purpose, while sparing no effort in the proper assertion or defense of the interests of my country, at the same time to comport myself with the utmost personal deference and courtesy toward the national authorities and the people of Spain.

Permit me, in conclusion, to felicitate the republic over which you preside, and yourself personally, in view of the successes attained by the government in the promotion of domestic peace, and to express ardent hopes that, ere long, Spain, in the full possession of stable constitutional institutions, in the tranquil cultivation of her unrivaled territorial and maritime resources, and in the unembarrassed development of the high qualities of her national character, may re-occupy that proud historical position which pre-eminently belongs to her among the nations of Europe.

I now have the honor to place in the hands of your excellency the letters of credence intrusted to me for that object by the President of the United States.

The President replied to me as follows :

[Translation.]

MR. MINISTER: While it is gratifying to me to receive these letters, by which the Government of the United States sanctions your merits and the confidence it reposes in you, still more satisfactory will be to all Spain the sentiments you express to us in the name of the President of that republic, and the recollections which, on delivering your credentials, you have so eloquently evoked.

Spain showed, in truth, a century ago, that neither her traditions in both glorious continents, nor the intimate signification of her history, could suffice to weaken her generous sympathy for your republic, even as they have not altered, in so long a course of time, the spontaneous consideration which our country faithfully observed toward all friendly governments.

This loyalty, of which our nation is proud, will animate the Spanish government in its efforts to preserve and draw closer in the future the good relations which happily unite us with the republic of the United States of America.

To aid such noble purposes and to insure their best result we shall have the concurrence, Mr. Minister, of your experienced knowledge, your distinguished endowments, and the very frankness with which you have expressed the convictions which are to be your guide in your important mission ; and the executive power of the Spanish republic, solicitous like yourself to maintain the rights and interests of its country, deems this duty perfectly compatible with the mutual consideration and especial deference which two nations so long friends should observe toward each other.

I receive, Mr. Minister, with particular gratification and thank you with hearty earnestness for your congratulations upon the successes attained by our army in the direction of liberty and peace in Spain, and I too share your hope that, with God's aid, the Spanish nation, freed within a brief time from the opposite and extreme tendencies which lately perturbed it, may tranquilly make use of all its resources and succeed both by its political institutions and its material progress in taking the rank it merits in the assemblage of civilized nations. In expressing confidently this aspiration of my soul, I cherish with the same sincerity and with no less earnestness the desire that your wide republic may continue to develop her manifold and incalculable riches, augmenting in every possible degree the remarkable prosperity it now enjoys, and attaining through the wisdom of its administrations the greatest good of all its citizens.

Here the ceremony of presentation terminated. The President then advanced to shake hands, after which I presented Mr. Adee, who had not previously been presented to him, and he then invited me to be seated and to enter into conversation, which of course had no relation to public affairs, and therefore does not need to be repeated.

The minister of state, Mr. Ulloa, then advanced to participate in the conversation, at the conclusion of which he informed me that it would be unnecessary for me to make previous application for official interviews with him as to any ordinary business, seeing that he should be ready to receive me any and every day at 5 o'clock in the afternoon.

I then took leave of the President and Mr. Ulloa, and we returned to the legation in the same carriages and with the same ceremony as on going to the presidency.

I am, &c.,

C. CUSHING.

No. 562.

Mr. Cushing to Mr. Fish.

No. 34.]

UNITED STATES LEGATION,
Madrid, June 18, 1874. (Received July 7.)

SIR: The raising of the siege of Bilbao by the republican forces under the command of General Serrano and General Manuel de la Concha, was a political as well as a military triumph for the government, and to the Carlists it was not only a military defeat, but also a political disaster, inasmuch as it obstructed, if it did not absolutely prevent, their obtaining further pecuniary resources in France and England; but it did not suffice to subdue the spirit or overcome the tenacity of the Carlists, although it has produced material change in the strategy as well of them as of the republicans.

At the present time the republicans continue to hold the most important positions on the sea-coast of the Bay of Biscay, including uninterrupted communication by rail between Madrid and Santander. But scattered parties of Carlists are still operating in all parts of Vizcaya, as well as of Guipuzcoa and of Alava. The same general state of facts occurs in Navarre, and also in a very considerable part of Catalonia, Aragon, and Valencia. From time to time these detached parties sally from their fastnesses in the mountains to levy contributions, depredate, kidnap, and murder in the contiguous regions of Old Castile, and in those of Catalonia, Aragon, and Valencia not permanently occupied by them.

Meanwhile the Carlists occupy the entire land frontier on the side of France, and the adjoining districts of France from Pau to Bayonne are their place of refuge, their source of supplies, and their seat of military and political conspiracy against the government of Spain.

Carlists also control, or interrupt when they please, all the lines of railroad from Madrid to the northern land frontier and to the north-eastern or eastern sea frontier. The direct line from Madrid to France, by the way of Irun, is permanently stopped, and the line from Barcelona, by Saragossa to Madrid, has been stopped repeatedly during my short residence at Madrid, as also has been the line from Valencia to Almansa.

Most of these detached parties of Carlists are of a relatively small

number of persons, headed by petty chiefs, *cabecillas*, as they are called; but some of them are of very respectable numbers, amounting to several thousands, such as one at least of the parties operating in Aragon and Valencia. Over two of the larger of these parties the government has lately gained victories.

But the Carlists have been compelled to concentrate the mass of their forces in the southern part of Navarre by reason of the movements of General Manuel de la Concha, who, starting from Bilbao, and leaving garrisons on the way at selected strategic points, has traversed Vizcaya and Alava, and proceeded along the general line of the Ebro, for the purpose of thus advancing on Navarre, so as to cut off that province from the three Basque provinces, and to attack the Carlists in what is called their stronghold, namely, Navarre.

As the result of this movement Concha now has a large force of all arms, and especially well provided with artillery, echeloned from Logroño by Lodosa and Sesma, threatening Estella, which is the present military headquarters of the Carlists.

Here the advanced posts of the respective armies are already in sight of one another, in daily expectation of engagement. The Carlists, uncertain at what point or on which side the republicans may attack Estella, have been driven to the necessity of extending and therefore greatly weakening their line, so as to defend the various possible points of attack; while Concha, throwing out parties to threaten the different points of the long line of the Carlists, is preparing, in his own time, to bring up the mass of his forces against some selected point of that line, and thus fight to advantage and enter Estella.

The people in Madrid are all now in daily and solicitous expectation of the impending battle, which, if gained by the government, may not at once terminate the war, but cannot fail to constitute a fatal blow to the hopes of the Pretender.

I have, &c.,

C. CUSHING.

No. 563.

Mr. Cushing to Mr. Fish.

No. 35.]

UNITED STATES LEGATION IN SPAIN,
Madrid, June 18, 1874. (Received July 7.)

SIR: No material change in the political situation here has occurred since the date of my dispatches Nos. 14 and 16.

Gossip of society and of the newspapers continues to be occupied more or less with suggestions of imputed purposes or tendencies of the government in relation to the question of the re-establishment of monarchy in the person either of Don Alfonso or of some foreign prince; but most of the agitators on this subject give expression rather to their own wishes or hopes than to any definite expectations founded either on acts or ascertained intentions of the government, which seems inclined to continue the present provisional system, (*interinadad*), at least until after the achievement of more complete and absolute triumph over the Carlists.

Meanwhile the government continues to administer public affairs in the name of the republic, and with agencies and forms of authority,

derived either from the letter of the existing constitution or from its predecessors in the administration of the republic.

* * * * *

The most oppressive care of the government is to find money for the daily exigencies of the civil and military service. Successive administrations have so tampered empirically with the sources of the public revenue, they have so frequently had recourse to loans at a ruinous discount, they have so completely exhausted all the means of real security for loans, that it is only by the most extraordinary sacrifices that money can be obtained even for the maintenance of the troops in the field. The consolidated debt has fallen to near thirteen per cent. Of course the treasury cannot or will not sell its bonds at this rate, and it raises money by hypothecating them to bankers on loans of ten per cent. of the face and on short terms, which does but stave off the inevitable ruin, and render it the more disastrous when it shall arrive.

It is to be remembered that, in the midst of all her financial troubles, Spain perseveringly and steadfastly adheres to a specie currency. To be sure banks exist, and bank-notes to a relatively small amount are in circulation; but redeemability in specie is regularly exacted of them. No other paper money or currency exists. At the same time, there is obviously no want of gold, silver, or copper currency, although, perhaps, there is a disproportionate quantity of the latter. And there is ample evidence to show that, in addition to the specie in circulation, a large amount is hoarded by persons who will not trust their savings either to public funds, ordinary banks, or even savings-banks.

* * * * *

Although the government has not succeeded in placing itself on a satisfactory footing with England, France, Germany, and Russia, yet it seems to have made some advance in that direction by the circular of the 22d ultimo, addressed to the foreign representatives of Spain.

A copy of this document* may have been communicated to you by the Spanish minister at Washington; but in reference to the possibility that it may not have been, a copy is annexed to this dispatch.

I have, &c.,

C. CUSHING.

No. 564.

Mr. Cushing to Mr. Fish.

No. 47.]

UNITED STATES LEGATION,
Madrid, June 30, 1874. (Received July 20.)

SIR: Since the transmission of my two dispatches Nos. 34 and 35, of the 18th instant, important events have occurred here, of which you may not be unwilling to receive information.

1. The military situation:

At that time General Concha was advancing by Lodosa and Sesma for the purpose of attacking Estella and cutting the line of the Carlists, so as to separate Navarre from the Basque Provinces.

On the afternoon of the 27th, (Saturday,) Concha had advanced to as far as Abarzuza, a place to the north of Estella, with portions of his force at Murillo, Lorca, Villatuerta, Oteiza, and other points, in a semi-circle, on the northeast, east, and southeast of Estella.

* See correspondence with the Spanish legation.

Meanwhile other troops had been advancing from Pamplona and from Tafalla, under command of Generals Eschagüe and Martinez Campos, to unite with General Concha on the eastern side of Estella.

All these points, together with the lines of movement before and after that day, will be perceived upon inspection of the map of the theater of war herewith inclosed.

After engagement with artillery, occupying most of the day of the 27th, a column of attack was ordered to assail the enemy's trenches at a point between Murillo and Estella, called Monte Muru, which is not designated on the map.

No details of what then happened are yet made public here; but the subsequent incidents show that the attacking battalions must have been repulsed with great loss relatively to their numbers.

Thereupon a supporting column was ordered up to continue the attack, but the troops refused or hesitated to advance as ordered. On this General Concha rode to the front to address and exhort the troops, and, in the act of doing this, received a musket shot in or near the breast, which produced immediate death.

As to what immediately followed, all we know with certainty is, that the troops of the government then retired in order, it would seem, and carrying with them their train, and retreating upon Orteiza, pursued to that point by the Carlists; and at the present moment they are posted at Larraga, Berbinzana, Miranda de Arga, Olite, and Tafalla, the bulk of the army being now, it is said, at Tafalla.

General Concha's body was conveyed as soon as possible to Tafalla, from which information came to Madrid by telegraph early on the afternoon of the 28th, (Sunday.)

A meeting of the cabinet was immediately called at the ministry of war, and President Serrano, who had gone to La Granja the day before, was summoned back to Madrid, where he arrived in the course of the evening; and it was arranged that the minister of war himself, Captain-General Zavala, should take the place of General Concha in command as general-in-chief of the forces in the field, General Cotoner being appointed *ad interim* minister of war.

The death of General Concha has produced extraordinary emotion in Madrid, with universal expressions of sorrow and respect here and in other parts of Spain. It seems to be admitted on all hands that he was the ablest among the veteran generals of Spain. He was poor, having no resources but his pay. He leaves one child, a daughter, the wife of the Marqués de Sardoal, at present chief alcalde of Madrid.

Yesterday and to-day every disposable soldier has been hurried off to the seat of war, including many superior officers, and among the rest General Moriones, who acquired reputation in a previous, though unsuccessful, campaign against the Carlists in the same region of country.

It does not appear that the losses sustained by the troops of the government were absolutely large, not exceeding, perhaps, fifteen hundred men in killed and wounded; but the repulse, the retreat, and the death of General Concha, have contributed to produce a deep impression at Madrid.

Intense indignation toward the Carlists is felt here on account of a recent proclamation issued by the commander-in-chief of the Carlist forces, Dorregaray, in response of expressed purpose of General Concha to waste the country, and in which Dorregaray announces intention hereafter to give no quarter; in the spirit of which declaration it is said that he caused to be killed such of the wounded as were left behind by the retreat of the forces of the government.

2. As to the political situation :

The minister of hacienda, Mr. Camacho, has been occupied ever since his appointment in examination of the state of the public finances and in devising ways and means for the service of the government. The result of his labors appears in an official report and in various decrees published in the "Gaceta" of the 28th. Exhibiting, as Mr. Camacho's report does, continual diminution of revenue and continual increase of expenditure, it was unfortunate that it should appear on the morning of the day when knowledge arrived of the death of General Concha; for, although Mr. Camacho has but obeyed the dictates of duty in stating frankly the condition of the finances and in suggesting the necessary measure of imposition of new taxes, still the information given by him, and the remedies proposed, necessarily serve to augment the public discouragement, and to occasion a fall of the funds to the lowest point they have yet reached, more especially in view of the loud complaints of the English company who control the Spanish foreign debt, and who consider one of the measures proposed by Mr. Camacho as a violation of a contract heretofore made, not long ago, by the Spanish government for securing the payment of overdue coupons by means of certain securities held by or belonging to the government.

This last matter seems likely to be taken up by the British government in behalf of the bondholders; and, whether it be so or not, it cannot fail to be highly prejudicial to the credit of the Spanish government in England.

I have, &c.,

C. CUSHING.

No. 565.

Mr. Cushing to Mr. Fish.

No. 48.]

UNITED STATES LEGATION,
Madrid, July 2, 1874. (Received July 23.)

SIR: The funeral ceremonies in honor of General Concha occurred to-day, the body being taken from the church of San José, in the calle de Alcadá, (the parish church of the deceased,) and conveyed in procession of superior military and civil authorities of the nation, district, and city, with accompaniment of troops of all arms, by the calle de Alcadá, the Puerta del Sol, the Carrera de San Geronimo, and the Paseos, to the church of Atocha, where the final services were performed.

Particulars of the late military movements before Estella have now arrived.

General Concha's death took place substantially under circumstances as stated in my dispatch No. 47, with this material difference only, that the shot of which he died entered the body on the left side, under the shoulder-blade, and came out through the right breast.

Reflection on the subject, with all the details before me, satisfies me that the failure of this attack on the defenses of Estella was not due exclusively, if in any great degree, to the death of General Concha.

The troops of the government were spread over a long line of at least twelve kilometers, in three separate divisions, and of course the enemy, operating from the center of this semi-circle, possessed advantages of defense superior to the means of attack in the hands of General Concha.

The transportation of the latter seems to have been inadequate to the exigency; for the troops reached their destined positions so far in advance of the coming up of the train, that a long delay was necessary before they could be put in motion, and after all with but half rations. Meanwhile, this delay in the advance enabled the Carlists to see clearly what was the intended point of attack, and gave them time to mass at that point a body of troops apparently superior in numbers to those which could be brought up for the assault. In addition to this the attacking forces operated under the extreme disadvantage of the occurrence of rain-storms, which converted the field of movement into deep mud, so as physically to impede as well as morally to dishearten the assailing columns, which nevertheless made the assault with undeniable gallantry and courage, so as in effect to have carried several exterior lines of intrenchment, and then to have yielded at last only to superior numbers. In effect, the circumstances on this occasion of the attempt to carry Monte Muru, and the result, are strikingly similar to those which occurred in the attempt of General Serrano to carry the intrenchments of San Pedro Abanto last March. It is manifest that thus far the forces brought into the field by the government are utterly inadequate to combat successfully the Carlists, operating, as the latter do, not only in the Basque provinces and Navarre with constant assistance from France, but also in the secondary ranges of mountains traversing Aragon, Catalonia, and a large part of Valencia.

And yet it is difficult to see how the government is to obtain the additional hundred thousand men, which it ought to have in order to bring the war to a speedy conclusion. The present sum total, according to the best attainable estimates, is two hundred thousand men.

All the troops of reserve now being collected in depot or sent forward are youths of the age of nineteen, *mozos*, (boys,) as they are expressively called in the military language of the country. I have had the opportunity of seeing many thousands of these recruits here, who are in appearance intelligent and spirited, yet are much more slender in frame than regular troops of the same class in the United States.

I do not hear of any troops being sent forward to Cuba, where the captain-general seems to be left to such resources of men or money as he may be able to get together in the island.

According to the latest official estimates here the number of troops sent from the peninsula to Cuba, from the year 1869 down to the present day, is 82,500, of which number 36,412 have succumbed in the field or from disease, leaving only a nominal force of say 46,000, (many of whom must be invalids,) for present service of the government. In addition to which it deserves to be noted that a large number of muskets purchased by the last captain-general for use in Cuba have been withdrawn and ordered home for use in the peninsula.

It is not surprising that, under these circumstances, great discouragement should prevail in official circles here, to say nothing of more or less uncertainty respecting the purposes and actions of political parties throughout the country; with the great question rising above all others, whether or not, at some unexpected moment, the troops may not *pronounce*!—for it is no exaggeration to say that the political fortunes of Spain at all times during the present generation, and never more so than at the present time, are mainly dependent on the will of the army.

I have, &c.,

C. CUSHING.

No. 566.

Mr. Cushing to Mr. Fish.

No. 63.]

UNITED STATES LEGATION,
Madrid, July 20, 1874. (Received August 12.)

SIR: Occurrences of the last week present many points of general importance, and some of special interest to the United States.

Since the death of General Concha and the repulse of the forces of the government in their movement on Estella, there has been cessation of active operations in that direction. A part of the army continued, at last advices, to occupy Tafalla, but with headquarters retired to Logroño. Meanwhile the Carlists seem disposed to take the offensive, not only in the north but more especially in the east.

Early in the month the Carlists, under the command of Don Alfonso de Este, brother of the pretender, made an attack on Teruel, capital of the province of Teruel in Lower Aragon, situated due east of Madrid and about two-thirds the distance between that city and the Mediterranean. Failing in this, the Carlists then advanced into New Castile and laid siege to the city of Cuenca.

This city is the capital of the province of Cuenca, one of the six provinces into which the former kingdom of New Castile is now divided. It is about eighty miles from Madrid, on a straight line to the city of Valencia.

After being cannonaded for several days, and suffering great loss in the destruction of buildings by fire and otherwise, Cuenca surrendered to Don Alfonso on the 15th. Thus much, and no more, is known by official information.

Reports are current that Don Alfonso abandoned the city after pillaging it and levying heavy contributions.

Strange as it may seem, notwithstanding that Cuenca is so near to Madrid, no direct and certain information of the surrender on Wednesday, the 15th, reached here until the evening of Saturday, the 18th. Nay, on the 18th General Soria Santa Cruz, who had been dispatched in all haste for the relief of Cuenca, informed the government that Cuenca still held out, and that he expected to reach the place in season to meet and repel the forces of the Carlists.

This event has produced profound impression here, and has tended to hasten, at least, the execution of measures which have been meditated for some time past by the government, and which have now been adopted in the hope of thus terminating the civil war which is devouring the resources of Spain.

Accordingly, on the date of the 18th, we have a series of decrees, with prefatory exposition of motives, as follows, namely:

1. Decree declaring in state of siege all the provinces of the peninsula and the adjacent islands.

2. Decree—

(a.) Authorizing the government to embargo the property of all persons who are shown to be incorporated with the rebel forces or who shall serve the Carlist cause.

(b.) Indemnifying all persons prejudiced by acts not the necessary effect of war.

(c.) Indemnifying the heirs of officers or soldiers shot after being made prisoners, at the rate of 100,000 pesetas, (\$20,000,) for a general; 50,000 pesetas, (\$10,000,) for other officers of less rank, and 25,000 pesetas, (\$5,000,) for common soldiers.

3. Decree dissolving all societies of whatever class, condition, or object not authorized by the government.

4. Decree forbidding newspapers to publish any news of the civil war other than those inserted in the "Gaceta de Madrid."

5. A decree calling into service eighty battalions of extraordinary reserve, equivalent to a nominal force of 125,000 men.

You will note in these decrees the distinct and unequivocal condemnation of the shooting of prisoners, and the rate of indemnity per head to be awarded to the heirs of all such prisoners so executed.

In addition to these decrees we have a *bando* of the captain-general of New Castile, which defines with precision the effects of the *estado de sitio*, such as we may suppose will be issued by other captains-general. I inclose herewith translation of these expositions and decrees.

I have, &c.,

C. CUSHING.

[Inclosure.—Translation.]

Five decrees of July 18, 1874, enacting extraordinary measures for the suppression of the Carlist rebellion.

1. Decree declaring the peninsula and adjacent islands in a state of siege.

PREAMBLE.

SEÑOR PRESIDENT: The government of the nation, animated by the most elevated sentiments, has made great efforts to bring back to the fulfillment of their duties the rebels who aspire to raise upon the blood-stained soil of their country institutions condemned by reason and by history.

In vain has the generosity of the liberal parties repeatedly stretched the mantle of pardon over those who continually take advantage of our misfortunes. Partisans of a régime which hampers the flight of intellect, which burdens the dignity of man, which dries up the pure sources of progress, and which confines the nations within the narrow limits of a baleful fanaticism, they have never been able to understand the motives of our conduct, attributing it perhaps to our weakness.

Craving a victory denied to them by public sentiment and by the progress of the century in which we live, they spare nothing, however reprehensible, in order to succeed in their perverse designs. Means of communication, monuments raised by piety and art, the offices of the state, the provinces, and the towns, public capital, private interests, and even the sanctity of the domestic hearth, all these are seen to be trampled upon by their spirit of destruction, and day by day the country sees with sorrow, and the surrounding nations see with horror, the disappearance among the flames, without benefit to their plans of combat, of a part of that which had cost so much perseverance and toil.

In such a state of profound perturbation, speedy and efficacious governmental measures are rendered necessary.

Circumstances imperiously demand that the ministry be inspired with a sentiment of concord toward all the men and all the parties who sincerely love liberty and the good of the community, and the present crisis calls with urgency for the concentration of every element of government, so that, by giving unity to the action of power, it may reach every part with rapidity and energy.

With a general effort, and by restoring to the principle of authority its lost strength, we shall succeed in re-establishing moral order, so profoundly perturbed, and saving society and the nation from dissolution and ruin.

Resting upon these considerations, we submit for the approbation of your excellency the following draught of a decree.

Madrid, July 18, 1874.

The president *ad interim* of the council of ministers and minister of the interior.

PRAXEDES MATEO SAGASTA.

(Signed by the remaining members of the cabinet.)

DECREE.

Taking into account the reasons set forth by the council of ministers, I hereby decree the following:

ARTICLE I. All the provinces of the peninsula and adjacent islands are declared in state of siege.

ART. II. The captains-general of the provinces shall assume and exercise during the state of siege the extraordinary faculties which, in such a state, are laid down for them in the general army ordinances.

ART. III. In all the provinces permanent military commissions shall be organized to take cognizance, in council of war, of all crimes of conspiracy, rebellion, sedition, and whatever may tend to aid the rebels or to disturb public order.

ART. IV. The government will in due time give account of this decree to the Cortes.
Madrid, July 18, 1874.

FRANCISCO SERRANO.

(Countersigned by all the ministers.)

2. Decree confiscating Carlist property and providing for indemnity for families of prisoners shot by Carlists.

PREAMBLE.

SEÑOR PRESIDENT: A measure of self-defense, which, in circumstances analogous to ours, has been forced upon all civilized nations, is the principal object of the decree which we have the honor to submit to the approbation of your excellency.

The Spanish nation, which is making so many and such great sacrifices to end the disastrous war against the Carlists, cannot allow the wealth of its enemies, which until now has been under the protection of the laws under the same conditions as that of peaceable citizens, should serve as a powerful instrument to prolong and extend a struggle which perturbs the onward movement of public prosperity, which decimates the flower of Spanish youth, and which dishonors us in the eyes of Europe.

The measure also includes an act of justice in the indemnification which is to be obtained from the property of the rebels in favor of those who have been willfully outraged by the rebels in their persons or property.

It is, moreover, necessary, seeing that we cannot prevent this savage warfare which Carlism seeks to inaugurate, and which carries with it the baleful train of hostages, reprisals, and shooting of defenseless persons—a warfare which, in self-respect, we do not wage and will never wage, whatever may be the provocation to which we are subjected—to endeavor at least to restrain it, so far as our means will permit, within less inhuman bounds, casting upon the important personages of the Carlist party the legal responsibility attaching to the outrages they may commit, because they are morally responsible therefor, who have placed arms in the hands of fanaticism and ignorance wherewith to wound their country.

Resting upon such foundations, we submit to your excellency the following draught of a decree.

Madrid, July 18, 1874.

(Signed by all the members of the cabinet.)

DECREE.

In consideration of the reasons laid before me by the council of ministers, I hereby decree the following:

ARTICLE I. The government is authorized to embargo the property of the persons who are shown to be incorporated with the rebel forces or who may be serving the Carlist cause. The object of this measure is: 1. To prevent the products of the property so embargoed from being applied to the sustenance and propagation of the war. 2. To indemnify injured parties for all the damage caused to them by acts which are not the necessary consequence of war.

ART. II. The heirs of general officers, (*jefes*), line officers, (*oficiales*), soldiers, and volunteers, who may be shot after having surrendered or being made prisoners, shall be indemnified from the revenues of the aforesaid embargoed property, or that which may be embargoed thereafter, and by means of an extraordinary tax to bear exclusively upon the Carlists.

ART. III. The amount of indemnity to which the foregoing article refers shall be regulated in the following form:

To the next of kin of a general officer so shot, the sum of 100,000 pesetas; to those of line officers, 50,000 pesetas; and to those of soldiers and volunteers, 25,000 pesetas.

ART. IV. No validity will be recognized in any transfer of ownership in Carlist property effected after the publication of this decree.

ART. V. The ministers of grace and justice and of finance are hereby charged with preparing the regulations and orders for the fulfillment of this decree.

ART. VI. The government will give account to the Cortes of the use and application it may make of the preceding enactments.

Madrid, July 18, 1874.

FRANCISCO SERRANO.

(Countersigned by all the ministers.)

3. Decree closing all societies and associations not organized according to law.

DECREE.

In view of the gravity of the present circumstances, and the reasons set forth by the council of ministers, I hereby decree the following:

SOLE ARTICLE. The governors shall proceed to the immediate dissolution of all societies, whatever may be their class, condition, or object, which are not organized under authorization of the government, excepting those of credit, of public works, and others spoken of in the decree law of 1869.

Madrid, July 18, 1874.

FRANCISCO SERRANO.

The president *ad interim* of the council of ministers and minister of the interior.

PRAXEDES MATEO SAGASTA.

4. Decree prohibiting the publication of other war news than that printed in the Gazette.

DECREE.

In consideration of the present state of the country, I hereby decree the following:

SOLE ARTICLE. The periodical press shall publish no other intelligence of the Carlist insurrection than that inserted in the "Gaceta de Madrid."

Madrid, July 18, 1874.

FRANCISCO SERRANO.

The president *ad interim* of the council of ministers and minister of the interior.

PRAXEDES MATEO SAGASTA.

5. Decree calling out 125,000 additional troops between 22 and 35 years of age.

PREAMBLE.

Señor PRESIDENT: The civil war which now so profoundly perturbs the country, drenching our fields with blood and consuming our public fortune, is not only a direful calamity, but also a great ignominy. Neither the honor of Spain nor the most sacred interests so gravely compromised can permit of the prolongation of this struggle, that ruins us and humiliates us before the civilized world. It is imperative to stifle it at once; it is necessary to extirpate without delay this cancer, that threatens to devour us; it is indispensable to make a supreme effort which, although for the time may be sensibly felt, will obviate other efforts in the future greater than this, perhaps, but assuredly not so efficacious. For each day whereby the end of this fratricidal war is brought nearer greatly increased advantages will accrue, in sparing precious blood, enormous costs, and painful sacrifices. The government, knowing the noble loftiness and the solid base of patriotism that enrich the liberal Spanish people, would fail in its duty if, through weak deliberation or faint-hearted hesitancy, it did not make use of those fecund sentiments.

An act of intense vigor and energetic virility is needed: public opinion demands it, and the government does not hesitate to perform it. It has, therefore, the honor to propose to your excellency the creation and summoning to arms of 125,000 troops of the extraordinary reserve, which will permit of sending to the field the whole of our present army—enough to annihilate in a short time the insurgent hosts. With that force, whose active service shall be local, and at most within the limits of each of the military districts, aided by the national militia, an institution no less useful and important, but within a more passive and sedentary sphere, public order may be deemed completely assured, as well as the defense of our towns and the support of the respective bases of the armies in the field.

In view of all these reasons, the council of ministers has the honor to submit, for the approval of your excellency, the accompanying decree.

Madrid, July 18, 1874.

(Signed by all the members of the cabinet.)

DECREE.

In view of the considerations set forth by the council of ministers, I hereby decree:

ARTICLE I. Eighty battalions of the extraordinary reserve are created in the territory of the peninsula and Balearic Islands, which is divided for that purpose into eighty districts of approximatively equal population, in each one of which shall be formed a battalion in conformity to the annexed table, A, and to the forces which respectively result from the recruiting in each district.

ARTICLE VIII. There are called to the service of the extraordinary reserve 125,000

men, from those who, on the day of the publication of the present decree, may be unmarried or widowers without children, and who have not served in the army or navy, who have not been redeemed, substituted, or excepted on account of physical disability in previous conscriptions, and who, on the 30th day of June last, shall have completed twenty-two years and not have completed thirty-five.

ART. XV. There shall be admitted in the extraordinary reserve volunteers who may be discharged from the army without unfavorable notes in their discharge papers, and who do not exceed thirty-five years of age, paying to them a premium of 1,000 pesetas, and giving them preferential option to the places of corporals and sergeants if they possess the necessary qualifications therefor.

ART. XVI. The duration of the service of the men who enter the extraordinary reserve in virtue of this call, as well as of the volunteers, shall be for the term of the war, and six months more, if the government deems this extension necessary.

Madrid, July eighteenth, eighteen hundred and seventy-four.

FRANCISCO SERRANO.

(Countersigned by all the ministers.)

[Inclosure 3 in No. 63.—Translation.]

Proclamation of General Rey to the inhabitants of New Castile, announcing martial law.

Don Antonio del Rey y Caballero, lieutenant-general of the national armies and captain-general of the district of Castilla la Nueva, &c., &c. In compliance with the orders of the executive power of the republic, in its decree published in the Gazette of this day, I order and command—

ARTICLE 1. The provinces of Madrid, Toledo, Ciudad-Real, Cuenca, Gaudalajara, and Segovia are declared in state of siege, and during the continuance of such state of siege there are resumed, in my authority, the extraordinary powers conceded to me by article 5, chapter 8, title 8, of the general ordinances of the army.

ART. 2. All crimes of conspiracy, rebellion, sedition, and any others tending to aid the rebels or in any manner to disturb public order, which may be committed after the date of the publication of this proclamation, shall be submitted to the judgment of the permanent councils of war, which, from and after to-day, are organized in this capital and in the provinces of the district under my command.

ART. 3. Those guilty of the crimes of intercepting ways of communication and the telegraphs, cutting bridges, attacking trains with armed force, destroying or injuring effects destined for maintenance of the lines, and all injuries caused to railways whereby the security of travelers or goods may be prejudiced, shall be submitted to the permanent councils of war, and shall be punished with the penalty of death and with the other penalties provided in the penal code, conformably to the provisions of the order of the executive power of January 21, 1874.

ART. 4. Those who, in meetings or by means of the press, make public intelligence referring to affairs of the war which may disturb public order, shall be considered as auxiliaries of the Carlist rebellion, and shall be handed over to the permanent councils of war.

ART. 5. Those who infringe the proclamations of good order which, in the exercise of the powers conferred upon me, may be issued by my authority and by the military governors of the cities and provinces of my district, shall be also considered as disturbers of public order, and shall be handed over to the established councils of war.

ART. 6. Robbers to the number of three or more, and those who in the perpetration of any of the common crimes reserved to ordinary jurisdiction, may give occasion to the perturbation of public order, shall likewise be subject to my authority, and, consequently, their authors shall be subject to the judgment of the permanent council of war, imposing on them the penalties prescribed by the ordinances.

ART. 7. The authorities and employés of civil order who do not lend the aid which may be demanded of them by the military authority and the forces of the army, shall be dismissed from their office and employment and handed over to military jurisdiction, in order that they may be punished according to their deserts, considering them as aiders and abettors of the rebellion.

ART. 8. The civil and judicial authorities shall continue to exercise their functions in matters pertaining to their attributions, which may not be opposed to those reserved to my authority in the present proclamation.

ANTONIO DEL REY.

MADRID, July 19, 1874.

No. 567.

Mr. Cushing to Mr. Fish.

No. 66.]

UNITED STATES LEGATION,
Madrid, July 31, 1874. (Received August 24.)

SIR: Many indications exist of purpose, either formed or contemplated, on the part of some of the principal European powers, to intervene in the affairs of Spain.

Suggestions on this point arise out of the progress and incidents of the war raging in the northern and northeastern provinces.

It has come to be generally believed that this war is clerical in its causes and ultramontane in its tendencies. The success of Don Carlos, it is assumed, would in the first place be the re-establishment in Spain of the old authority of the Catholic clergy and the Roman See; it would promote the success of the same influences in France; it would tend to the political dissolution of Italy, and the restoration of the temporal power of the Pope in Rome and in the Legations; it would counteract and tend to defeat the measures of religious liberty initiated by the German Empire. Indeed, all these things are so closely connected in their essence, as to afford just cause of umbrage not only to Germany and to Italy, but also to Great Britain.

Much is said in this relation of the facilities and advantages which the Carlists enjoy in the south of France, owing to the prevalence of ultramontane and legitimist influences there, and also of the supposed biases in the same direction which prevail in the present government of France, either by reason of personal convictions on the part of the Marshal-President and members of his cabinet, or because of their solicitude to keep on good terms with the legitimist members of the Assembly.

Certain it is that Carlist officers and men, including the titular king and queen, come and go on both sides of the Pyrenees as they please, and maintain their principal seat of council or conspiracy at Bayonne in France.

It is understood that the present Spanish government has addressed to that of France the most earnest remonstrances on this subject, presenting, at the same time, a demand for large indemnities on account of imputed violation of neutrality committed or permitted by the local French authorities, and the consequent augmentation of the military resources of the Carlists and the prolongation of the war in all the region of country from Biscay to Valencia. At the same time, the principal newspapers of Spain, Italy, Germany, England, and many of those of the highest estimation in France, concur in loudly reprobating the policy pursued in this respect by the French government.

On the other hand, the French government, while contradicting the charges against it, pretends that it has on various occasions done acts of amity and good-will to the Spanish government, as, for instance, in the seizure of arms and munitions of war intended for the Carlists, in the restoration of the man-of-war *Numancia*, which escaped from Carthage with the principal Cantonalists on board, taking refuge in Algeria, and in the surrender of these Cantonalists to the Spanish government.

The French also assert that most of the foreign supplies which the Carlists receive are obtained by means of *British* vessels touching at the small ports on the coast of Biscay. There seems to be some truth in this; several such vessels are known to have aided the Carlists with munitions of war. Whether in these cases the expeditions originated

in mere commercial cupidity, or, as many say, in the religious sympathies of ultramontanes in Great Britain, the case of the Deerhound will be remembered in this connection.

I think it is undeniable, however, that the Carlists really do receive countenance, aid, succor, refuge, and supplies in the south of France, in such degree as largely to justify the complaints of the Spanish government. You may have had occasion to notice how positively and with what ample exhibition of details those complaints have been sustained by the "London Times."

Furthermore, the sanguinary and savage character lately imparted to the war by the Carlists has served to awaken, especially in Germany and Great Britain, decided sympathy for Spain. Thus, for example, one Carlist chief has seized and carried off hundreds of women, to be held as hostages, with expressed intention to shoot them if the Spanish government should undertake naval operations on the coast of the Gulf of Biscay. Another chief, by drum-head court-martial, condemned to be shot a considerable number of prisoners taken at Estella. At Cuenca the most savage barbarities were perpetrated under the immediate eye and direction of Don Alfonso de Este and his wife, Doña Maria de las Nieves. Still later, a large number of prisoners of war have been shot at Olot. It is common for Carlist parties, half soldiers and half bandits, to seize on defenseless men and women in all parts of the country contiguous to the seat of war, and subject them to the worst outrages, including death. In general, the Carlists conduct the war as mere savages, destroying bridges, tearing up railways, blowing up railway tunnels, burning public and private edifices, destroying public archives, and, in a word, perpetrating every species of wanton depredation, apparently in the mere semi-insane spirit of devastation, and with no possible strategic or military inducement or object, so as to have well earned the name of *latro-facciosos*—robber partisans—with which name they are commonly designated at Madrid.

All these incidents are of a nature to have produced impressions in other parts of Europe prejudicial to the Carlists and favorable to the Spanish government; and these impressions seem to have been reduced to more definite shape by the preposterous cruelty of the Carlists toward two newspaper correspondents, one of whom, a German, was shot on the false charge of being a spy, and the other, an Englishman, was half murdered by long imprisonment for the awful offense of having an ounce of laudanum in his possession, which the Carlists in their wisdom assumed must have been intended wherewithal to poison Don Carlos.

A recent debate in the House of Lords testifies to the interest in the general subject entertained in Great Britain.

Confident rumors come from Germany that a German naval force is on the way to the Cantabrian coast of Spain. There will be nothing strange in this, seeing that Germany was far from quiescent during the period of the cantonal insurrection in Murcia.

It is also confidently said that the German government has just addressed a communication to the French government on the subject of its protection or tolerance of the Carlists.

Whether all these circumstances are to end in merely affording moral aid to the Spanish government, by that official recognition of it which has been withheld ever since the proclamation of the Spanish republic, or whether the great powers will go further and interpose in Spain by arms, as they have done twice during the present century, is the question which for the moment preoccupies all thoughts at Madrid.

The government of Spain would gladly, if it could, establish a *cordon*

militaire on the Spanish side of the Pyrenees; but to do this it would require a force of forty or fifty thousand men spread over a line of eighty or ninety leagues, subject, as it would be, to attack at any weak point by the Carlists; and the government has no such spare force at its disposition.

The various rumors of intervention may be resumed in the following forms, namely:

1. German ships to operate on the coast of Biscay and Guipúzcoa against the Carlists in the same manner as they operated a year ago in the waters of Carthagen and Malaga against the Cantonalists.

2. Intimations directed by Germany to France, suggesting the inconvenience of her leaving her frontiers open to the Carlists and suffering them to convert French territory into an arsenal for the prosecution of war, a place of security in which to concert plans of conspiracy, and a neutral road of communication between different parts of the peninsula, by means of which to change their points of attack or escape encounter with the troops of the government.

3. Invitation directed by Germany to other European powers, suggesting consideration of collective action in order to put a stop to the violation of the laws of war by the Carlists.

4. Consultation among the principal powers of Europe to the end of the speedy official recognition of the present Spanish government.

5. Measures adopted by the Portuguese government to prevent the continuance of Carlist conspiracies within or on the frontiers of Portugal.

6. Projects of discussion concerning the civil war and political situation of Spain, in the diplomatic congress now sitting at Brussels.

7. Agitation in France on the immediate question of taking steps for the due observance, at least, of neutrality between the Carlists and the Spanish government, and on the general subject of the relations, actual and contingent, between Germany and Spain.

I will not venture to add any speculations on these points, contenting myself with calling your attention to the important bearing which the whole subject has on the future relations of Germany and France.

I have, &c.,

C. CUSHING.

No. 568.

Mr. Cushing to Mr. Fish.

No. 69.]

UNITED STATES LEGATION,

Madrid, August 6, 1874. (Received August 27.)

SIR: I forward herewith original and translation of a circular, addressed by the minister of state to the diplomatic representatives of Spain in foreign countries, and published this day in the "Gaceta de Madrid."

The opposition newspapers in Madrid, which are forbidden to publish military news, except such as may be derived from official sources, avenge themselves, for want of freedom in that respect, by incessant and not always candid criticism of the civil acts of the government.

They cavil more or less at the tenor and language of this circular; but the most serious objection they present is in the omission of Mr. Ulloa to avail himself of the occasion, as he might have done, to show

that the war in the northern and eastern provinces of Spain is the pivot of the ultramontane and absolutist intrigues, which now agitate so large a part of Europe, and which involve more especially the political condition of Germany, Italy, France, and Portugal, quite as much as that of Spain.

I have, &c.,

C. CUSHING.

[Inclosure.—Translation.]

Circular of the minister of state.

To the Spanish representatives abroad :

SIR: The character of cruelty which the Carlist rebellion has assumed for some time past, by acts, orders, and declarations of its principal chiefs, obliged the government to meditate profoundly in regard to the nature and extent of its duties in the difficult circumstances through which we are passing. The result of this meditation has been the rigorous dispositions published in the *Gaceta* of the 19th instant, in the preamble of which your excellency will find set forth the motives of justice and public welfare by which they were inspired.

None of them, however, overstep the bounds of proper and legitimate defense, nor are opposed to the elevated sentiments of a noble and generous nation.

Your excellency knows well, and Europe knows also, the unhappy and prolonged history of our civil war, reproduced five or six times in the period of forty years, as though unfortunate Spain were destined by fatality to pass periodically through a kind of bloody jubilee, by which she is consumed and ruined, detaining the progressive movement of her prosperity, which only asks for peace firmly assured to produce immense and beneficial results.

These diverse civil wars have been concerted by fanaticism linked with ignorance, under the shelter of our liberal institutions, to be born and developed later in the sad protection of the misfortunes of the country; at one time taking advantage of the moment of our army being found occupied in a foreign land, as was the case in the traitorous attempt of San Carlos de la Rápita; at another, availing itself, as in 1873, of the anarchy which consumed us and of the terror which had taken possession of the entire society.

What has perchance been forgotten by some, and it is convenient that it should constantly be kept in mind, is the absolute lack of reason and even of pretexts which Carlism now and ever has had, to place us in agitation and danger, to menace our political regimen after having unworthily used its benefits, and to dishonor us by the ferocity of its acts in the eyes of the world. That a permanent injustice, a law of races, inferiority of social condition, or other analogous causes, should incite the inhabitants of a territory to continual and never-extinguished rebellions, might be comprehended and explained. But can the sectaries of despotism allege these causes for rising in arms, when the very districts which are their cradle and center, without bearing any of the burdens, enjoy all the advantages of Spanish nationality? Or is it rather this exceptional position which, exaggerating their pride, induces them to look upon their fellow-citizens as pariahs? For there appears among us a singular, and what is more, a strange phenomenon. Here, it is the privileged party who rebels, and the party subjected to the common law who defends; here, the party who does not contribute, with person or fortune, to the maintenance of the state, is the one who angrily raises the black flag of a war unto death against him who constitutes the nerve and force of the nation, whose broad and generous flag gave, to both alike, peace at home, support abroad, security on the seas; here, in a word, a turbulent and blinded minority, disregarding their own interests, which are identified with peace, pretends nothing less than to impose upon us a depressive and humiliating system of government, which even they repel for themselves as incompatible with their immunities.

Such are the ideas generating this insurrection, which can be resumed in these two words: ingratitude and absurdity. Defense of the religion which the entire Spanish people profess and revere, has served at times as a hypocritical pretext for rebellion, and is also to-day invoked by fanaticism with more apparent fervor than ever. Miserable recourse, certainly, when it is thus employed under a regimen of religious tolerance, as it was employed formerly, when the Catholic worship was alone permitted, and the exercise of any other had in the penal code a severe sanction! Besides, to speak of religion and of its sublime precepts, and to see many ministers of the altar place themselves at the head of bands which sack and assassinate; to speak of religion and sacrilegiously profane its rites amidst depredation and massacre; to speak

of religion and to seize upon it as an instrument with which to satisfy revengeful and sanguinary instincts, is a contradiction more repugnant than the cynical ostentation of an unbelief which audaciously suppresses all morality and conscience.

Danger to the *fueros* has been at times the stimulus put in play to excite passions and to recruit partisans. This pretext would involve, at the present time, a notorious and scandalous falsehood, since neither Cortes nor governments have touched a single one of those privileges which the nation had allowed as a pledge of concord, even in the most rigid epochs of revolutionary movement. How this magnanimous conduct has been responded to, and how the especial situation of some exempt provinces has been justified, is clearly told by the struggle in which we are engaged, with which, doubtless, these favored districts repay our scrupulous respect for the pact of Vergara.

Even though the Carlist rebellion were not so unjustifiable in its origin, and so contrary to liberty and progress in its purposes, the iniquitous means resorted to would be sufficient to estrange from it the sympathies of all persons who cherish honorable sentiments, whatsoever be their political opinions. To demonstrate this we need not recur to party passion, nor to public rumor, nor to private news and correspondence. Draconian orders emanating from distinguished chiefs, manifestoes sent forth to Europe with inconceivable coolness to give notice of inhuman proceedings—horrible events which terror-stricken populations have witnessed—all concur to prove in an authentic and incontestable manner the truly savage character of the strife waged by those who call themselves sole defenders of the Christian religion. Our light forces fire a few cannon-shots to repel aggressions on the coast, or to prevent the landing of armaments, and the so-called commandant-general of Vizcaya imprisons children and women, declaring that for each projectile fired at the towns he will shoot one of his innocent hostages. The illustrious General Concha replies with a noble and humanitarian proclamation to the calumnious communication of the Carlist chief, and the latter decimates the prisoners of war, barbarously sacrifices a disarmed foreigner who in vain alleges his nationality and literary profession, and then announces (cruel sarcasm!) to the civilized nations that hereafter he will give quarter to none. The horrors of Cuenca exceed description. Burning and robbing of houses and public edifices, sick persons thrown from the windows, assassinations in the streets—such are the scenes of that frightful drama, which lasted two consecutive days. All things were outraged there, including the dignity of a virtuous prelate. And this took place in the presence of a lady, a young princess, who is accompanied, as her ordinary cortège, by desolation and death. After these unheard-of crimes, there still come to our ears, from various and credible sources, tidings of another which surpasses them, and of the infamy of which we would save even our most bitter enemies. It is said in letters and newspapers, with minute details, and something of which has been communicated officially, that a large number of our prisoners have been immolated without pity at Olot, where they were found in deposit before the entrance of our troops.

The pen refuses to continue the narration of horrors of such magnitude, and there is not a Spanish heart but is oppressed with bitterness and shame in reflecting that their perpetrators are called Spaniards. And nevertheless I can assure your excellency that the picture is not overcharged; for exaggeration would be unbecoming in a government which respects itself when it makes certain accusations in official documents, nor have I proposed to myself to cite as example other than those events about which there is no room for the slightest rectification or doubt. Public opinion, represented by nearly all the authoritative journals of Europe, has energetically anathematized them, drawing a parallel, just and honorable to us, between the dignified attitude of the army and the barbarity of the insurgents. Seldom has such unanimity of opinion been observed, as well in Germany as in England, France, Italy, Belgium, everywhere, which reveals at the same time a tribute rendered to truth, and a protest in the name of outraged humanity, a great elevation and extension of views toward making that which we defend the common cause of all. Frequently has Spain been the theater of rude combats of this kind, the consequences of which could not be confined within the perimeter of her frontiers, and foreign elements, influences, and protections have rendered themselves to her fields of battle. Comparison of the necessities and the immense expenses of the present war, with the resources of the country dominated by Carlism, would be an indecipherable enigma, unless we were to seek its solution in the support, exertions, and intrigues of parties in affinity with it, which more or less secretly, and under various disguises and denominations, strive, now within our own territory and to-morrow perchance in another, to do away with the conquests of modern civilization and to resuscitate absurd systems, which have only been able to obtain a spark of vitality and of hope by the rebound of demagogic excesses.

To extinguish it entirely and forever are directed the efforts of the government and the sacrifices of the country, which has not placed in our hands dictatorship to ruin and exhaust it slowly, and which does not desire that, through ungratefully-received generosity, the evil which has been consuming us for half a century should fail to be thoroughly extirpated.

As your excellency will have observed, the measures to which I refer at the beginning of this letter, are those which necessity imposes in grave circumstances, having at the same time for object to restrain as far as possible the excesses of the rebellion, if their efficacy can accomplish so much. To take away, or, at least, to lessen the resources which party spirit furnishes to prolong and augment this fratricidal war; to exact a pecuniary responsibility in certain cases from those who have morally incurred it by their counsels and their incitements; to separate pernicious influences from the places where they prevail; to prohibit associations in which, under the shelter of expansive laws, hate, malevolence, anger, and all bad passions, have flourished in security, let loose to-day against the liberty of the country; to concentrate in the military authority governmental powers, as well to prevent disturbance of the public peace, as summarily and severely to punish it; such is the sum of the measures taken, and the tendency of those hereafter to be adopted, to suffocate in a brief period the absolutist insurrection. It is to be hoped that by these means, with the tried valor of our army, and with the manly impulse of the people which loves the institutions it has conquered, and which have been the most powerful cause of their advancement, we shall see the dangers overcome, and the fears dissipated, which are involved in a strife unworthy of our epoch and of our manners.

Fanaticism and despotism leagued together can never prevail in the Spanish nation, nor is their triumph possible, even transiently, when for generation after generation we have been combating them with such fervor and constancy. They may, perhaps, succeed, owing to the special conditions of certain districts where they seem to be enfeoffed, in shedding more blood than has been profusely poured out already in a hundred battles; in accumulating more ruins upon those which already bear witness to the fury of our discords. They may, perchance, go on, remorselessly provoking the indignation of the entire world with their outrages and their violences, and lowering to the level of the most savage tribes the noble and traditional character of this unhappy nation. All in vain! To-day, as in 1839, and as in 1849, the result will be in favor of right against injustice, of liberty against tyranny, of ideas which elevate and improve mankind against those by which it is oppressed and brutalized. We shall endeavor, moreover, that the painful experience of the past shall not be lost to the future, practicing more caution and prevision than did our fathers.

Fortunately, the opinion of Europe needs no rectification, being highly sympathetic with the principles which the government represents and maintains. But it appears to me appropriate for your excellency to bear in mind, in your official and unofficial conferences, the facts and observations thus set forth in order to define, in precise manner, the position which has been imposed upon us by the circumstances, and the true character of the war into which we have been so unjustly compelled.

By order of the President of the executive power of the republic, I communicate this to your excellency for your information, reiterating, with this motive, the assurances of my most distinguished consideration.

MADRID, *July 29, 1874.*

AUGUSTO ULLOA.

No. 569.

Mr. Cushing to Mr. Fish.

No. 71.]

UNITED STATES LEGATION,

Madrid, August 10, 1874. (Received August 31.)

SIR: I transmit herewith, in translation, extracts from a preamble and regulations published by the ministry of war in the "Gaceta de Madrid" of the 9th instant.

You will perceive by this that the government contemplates sending to Cuba a military re-enforcement of twelve thousand men, chiefly of the new levies.

Most of the regulations regard matters of detail only, which would be of no interest to the Department, and they are therefore omitted.

I have, &c.,

C. CUSHING.

[Inclosure.]

Extracts from preamble and regulations on the subject of re-enforcements for Cuba.

[Translated from the "Gaceta de Madrid" of August 9, 1874.]

MINISTRY OF WAR.—The country not only needs the concourse of all her sons to conclude the civil war which is causing so many and such transcendental evils in the peninsula, but it is also necessary to carry their co-operation to the island of Cuba, where another war no less sanguinary and cruel is desolating its fertile and rich settlements. The present captain-general has dictated and is carrying into execution most important measures to terminate at once the campaign and to restore the peace which that beautiful Antilla so much needs, to the end that it may develop the grand elements of wealth which it comprehends; but in order that those measures may be efficacious, and of immediate results, it becomes indispensable to carry there at once 12,000 men, who ought to embark in the briefest time. With the object, therefore, of collecting this number, the President of the executive power of the republic has been pleased to dictate the following rules:

1. As soon as the coming into quarters of the youths of the extraordinary reserve, decreed on the 18th of last month, begins, exploration shall be made among them, and before they are distributed in the battalions of their respective demarcations, as to the wish of those who desire to enlist to serve in the infantry corps of the island of Cuba.

3. The individuals who desire to enlist shall engage to serve in Cuba for the time that campaign shall last, and shall receive the bounty of 250 pesetas (\$50) for each complete year they serve in the said Antilla; which sum shall be delivered to them at the termination of each year, or, if they prefer it, when they are discharged. Besides, there shall be delivered to them at once, in the act of enrollment, other 250 pesetas, (\$50;) and finally, there shall be given them 2 pesetas 50 centimos (50 cents) of daily pay, from the date of their ingress until that of their embarkation direct for Cuba. Said individuals may leave assigned to their families from 4 to 5 reals daily, (20 to 25 cents,) which will be collected through means of the general treasury of ultramar, in accordance with what has been heretofore practiced and is ordained in article 10 of the royal decree of October 2, 1872.

4. The war in that island terminated, an absolute discharge shall be given to the individuals of this enlistment who do not desire to re-enlist; they remaining free from the reserve service, even though they shall not have served the three years in activity prescribed in article 2 of the same royal decree.

12. Recruiting-lists also remain open in all recruiting-offices for discharged soldiers of the army and civilians who desire to enlist, whether they be subject or not to draft by the call for 125,000 men, with the understanding that those who are included in it, and shall be admitted for Cuba, shall provide substitutes should they be drafted in the quota of their respective towns; to which end the chiefs of each office will immediately communicate officially to the alcaldes of the same, with transmission of copy of their personal descriptions. The special recruiting-commissions will also admit individuals of both classes who present themselves to enlist if they possess the prescribed conditions; proceeding in the same manner as previously indicated in regard to civilians inscribed in the call referred to, who shall be drafted as soldiers.

13. Individuals discharged and civilians who may be admitted will have right to the same advantages prescribed in rule 3.

15 and last. Remain in force all other orders issued and which have governed in previous enlistments, as also those contained in the circular of October 31, 1872, and in the royal decree of the 2d of the same month and year, which will be applied and extended to the actual recruiting, except in such part as may be opposed to the rules dictated in the present provision.

By order of the said President I communicate it to your excellency for your information and consequent effects.

God guard your excellency many years.

COTONER.

MADRID, August 7, 1874.

No. 570.

Mr. Cushing to Mr. Fish.

No. 76.]

LEGATION OF THE UNITED STATES,
Madrid, August 14, 1874. (Received September 3.)

SIR: I beg to be permitted, in the light of the action of the several European powers in the matter of the recognition of the present Span-

ish government, to say a few words in review of the action of the United States in this respect.

When, upon the abdication of King Amadeo, the Cortes of Spain proclaimed the republic, that act was the signal and the occasion of the withdrawal of all the European powers, except Switzerland, from official recognition of the new government. To the United States, on the other hand, in common with Switzerland, this event was the inducement of specific recognition of the same new government.

It may be assumed that monarchical sympathies influenced this suspension of official relations on the part of most of the European powers, while republican sympathies influenced the United States and Switzerland in the opposite direction.

The United States continued their official relations with the new government, even after that, under the administration of Mr. Castelar, it had become a mere dictatorship.

It followed, as logical consequence, that the United States would continue such recognition, notwithstanding the substitution of the dictatorship of General Serrano for that of Mr. Castelar.

Moreover, to do so was in accordance with the established practice of the United States, as well in Europe as in America; that is, to recognize foreign governments by reason of the fact of their existence as such, and not merely by reason of any considerations of legitimacy or other political theory.

It gratifies me to perceive that the great European powers have at length come to perceive the wisdom of the rule of action in this respect so long and steadily observed by the United States; for the government of President Serrano is now identically what it was at the time my credentials were presented, and, in so far as any diplomatic question is involved, identically what it was when those credentials were signed by the President of the United States.

I think it is perceptible, also, if one may judge from the tone of recent discussions on the subject, that the general opinion of Europe now confirms the rule of action adopted by the United States.

If, on the other hand, the President of the United States had not addressed my credentials to the actual existing government of Spain, that is, if he had suspended recognition because of question of its legitimacy, we should have been placed in the predicament of now being called upon to follow the precedent of the governments of Europe, instead of acting on a sound theory of our own, long practiced and thoroughly congenial with the principles of our own Government.

The same considerations lead me to think that it was right on my part to wait for the return of General Serrano to Madrid, strengthened by the success of his operations in Biscay, instead of either committing myself prematurely at Santander, or hastening here to remain waiting for him in a condition still more anomalous than that of the half-representatives of the European powers.

I have, &c.,

C. CUSHING.

No. 571.

Mr. Cushing to Mr. Fish.

No. 77.]

LEGATION OF THE UNITED STATES,

Madrid, August 14, 1874. (Received September 3.)

SIR: I trust you will not consider me as acting officiously if I call your attention to the possible maritime complications which may arise

in consequence of so many foreign cruisers, German and others, being ordered to the Bay of Biscay.

If the purpose of the German ships, for instance, is to impede the landing of supplies for the Carlists, and they confine themselves to the jurisdictional waters of Spain, either within the limit of the old cannon-shot theory of one league, or even the new one of two leagues, in either case they will have to cruise on a very difficult coast, subject to much tempestuous weather and in close proximity to a lee-shore nearly destitute of lights, without which it is difficult to see how they are to effect anything; for although the larger ports of Guipuzcoa and Biscay are held by the government, yet many small ones, such as Burmeo, Lequeitio, Guetaria, remain in possession of the Carlists, and need to be watched carefully, provided it is intended effectually to prevent their receiving supplies of arms and munitions of war by sea.

Or, in the impossibility of acting very efficiently otherwise, will German or other cruisers venture to pursue or overhaul merchant-vessels beyond the jurisdictional waters of Spain?

It seems not to be amiss to remember that although the German naval officer who commanded on the Mediterranean coast of Spain during the insurrection in Murcia, has been acquitted of charges, yet his action off Carthagena was of a pretty positive character.

Without enlarging on the incidents of this question,

I am, &c.,

C. CUSHING.

No. 572.

Mr. Cushing to Mr. Fish.

No. 78.]

LEGATION OF THE UNITED STATES,
Madrid, August 15, 1874. (Received September 3.)

SIR: Since the date of my dispatch No. 63, of July 20, some military events of importance have occurred, which I proceed to communicate. During this period, until within a few days, there has been a relative cessation of active movements in Navarre, as well as in the Basque provinces; but the war has been prosecuted with exceptional activity by the Carlists in Catalonia, Aragon, and Valencia, in which provinces there are not only numerous detached Carlist parties in action, but a large force united under the command of Don Alfonso de Este, being the same force which took and pillaged Cuenca.

After the Carlists had left Cuenca they were pursued, overtaken, and defeated by troops of the government.

Meanwhile, at Olot, in Catalonia, where the Carlists had a depot of prisoners of war, the statement is constant, in various forms, that, as incidentally referred to in my dispatch No. 66, of July 31, a large number of prisoners have been shot in cold blood—one hundred and sixty, according to some accounts, and more than two hundred, according to others; but, as yet, no official report on the subject has appeared, and the exact details, including the number of men shot, are still a matter of uncertainty.

In consequence of the activity of the Carlists in the region of country historically known as the Maestrazgo, which occupies a large portion of the province of Castellon, one of the three provinces into which the old kingdom of Valencia is divided, a new army corps has been constituted,

entitled "the Army of the Center," at the head of which has been placed Lieutenant-General D. Manuel Pavia, who distinguished himself a year ago in the suppression of insurrections in Seville and elsewhere in Andalusia; and who, as captain-general of New Castile, was the immediate author of the establishment of the present government. Important results are anticipated from his well-known activity and courage.

In the mean time the Carlists have made two desperate but unsuccessful attacks on the city of Ternel, capital of the province of that name in Upper Aragon, and they have broken up all communication by rail in a large part of Catalonia.

It is understood that General Pavia has already entered upon operations against the considerable force of the Carlists now concentrated under the command of Don Alfonso de Este at Chelva, in the Maestrazgo.

Finally it appears that operations are about to recommence at Navarre, after several weeks of quiescence on both sides. The Carlists surprised and pillaged La Guardia, a small town within a few miles of the headquarters of General Zavala, the commander-in-chief of the army of the north, threw up fortifications at Oteiza, in advance of Estella, and pushed a column to Miranda de Ebro. On the other hand, the Carlists have been driven from Oteiza by a division of government troops under command of the captain-general of Navarre, General Moriones. And it appears that General Zavala has now moved forward to Miranda de Ebro. But there is no public information as to General Zavala's plan of campaign. Its importance, however, cannot be overestimated, for, if successful, he will undoubtedly break the force of the Carlists, suffering as they are for want of munitions of war and still more for want of provisions; and, on the other hand, if he should be defeated, we may expect of the Carlists an immediate irruption into the fertile fields of Castile.

I have, &c.,

C. CUSHING.

No. 573.

Mr. Cushing to Mr. Fish.

No. 83.]

LEGATION OF THE UNITED STATES,

Madrid, August 24, 1874. (Received September 16.)

SIR: There has been more or less discussion and conversation here, within a few days past, on occasion of a rumor started by the "Freeman's Journal" of New York, of the intended cession of Puerto Rico to Germany, and also of a rumor from other quarters of instructions in that respect to be sent by you to Mr. Davis and myself.

The statement of the "Freeman's Journal" is flatly contradicted here on the part of the government.

I take it for granted that the rumor is a pure invention, imposed upon the public through the press for the double purpose of exciting prejudice in the United States and annoying the Spanish government in reference to the political attitude lately assumed toward it by Germany.

The reasons which the German government has assigned for resolving to acknowledge the present Spanish government, and by moral influence at least to aid it against the Carlists, are sufficiently strong in themselves to justify such action without our looking behind public professions in quest of any minor inducements; apart from which, it would

be impossible for Germany to harbor any such inducement in view of the initiative which she has taken in the matter by her representations to other powers.

There is another rumor here touching Puerto Rico, which also seems to me to be false, to wit, that an expedition is being prepared at Aspinwall for the purpose of hostile attack upon Puerto Rico. I take it for granted either that the rumor of such an expedition is wholly unfounded, or that the suggestion of Puerto Rico as its object is intended to divert and distract the attention of the public authorities of Cuba.

No serious question exists at the present time between Spain and the colony of Puerto Rico, nor any indication of insurrectionary purposes there.

I shall have occasion to address to you soon a copy of regulations lately issued by the Spanish government for the completion of emancipation in Puerto Rico, together with some observations on the subject suggested to me by D. Rafael de la Labra, the efficient advocate in Madrid of emancipation in the Spanish Antillas.

I am, &c.,

C. CUSHING.

No. 574.

Mr. Cushing to Mr. Fish.

No. 84.]

LEGATION OF THE UNITED STATES,
Madrid, August 25, 1874. (Received September 16.)

SIR: Authentic intelligence begins to arrive of the extraordinary incident of the massacre by the Carlists of one hundred and ninety-three prisoners on the 17th of July last, at or near Olot, in Catalonia. These prisoners consisted of eighty-four *carabineros*, that is, custom-house guards, temporarily employed in military service, and one hundred and thirteen officers and soldiers of regular troop. They were a portion of the prisoners belonging to the column of Nouvilas, defeated some time ago by the Carlists, and who since that time had remained in depot at Olot.

Intending to attack the town of Puigcerdā, it seems to have been thought convenient by the Carlists to murder these prisoners, in order to save the trouble of guarding them.

In the first place, the prisoners were conducted to a village called Valfogona, where it was determined to shoot all the *carabineros*, without exception, and a fifth part of the residue of the prisoners. After that, on arriving at the cemetery of Llayers, the *carabineros* were tied in couples back to back, and then marched into the cemetery, and there shot, and buried indiscriminately in a trench dug for that purpose.

The soldiers were then marched in the direction of the town of San Juan de las Abadesas, and, being in like manner tied in couples back to back, were marched into the cemetery, there shot, and buried in a common trench.

The most naked possible statement of the facts exhibits an act of atrocity unparalleled in modern warfare, and many circumstances are narrated which add to the horror of the incidents.

The Carlist officer by whose order the massacre was committed bears the name of Saballs, and the officers under whose immediate superintendence the massacres were committed bear the names of Federico

Brú and Bosch de Llers; and names, which might otherwise pass unnoticed, deserve to be remembered as objects of infamy.

It is one of the singular incidents of this horrible transaction that thus far no official report on the subject has been made public by the government.

I have, &c.,

C. CUSHING.

No. 575.

Mr. Cushing to Mr. Fish.

No. 85.]

LEGATION OF THE UNITED STATES,
Madrid, August 25, 1874. (Received September 16.)

SIR: The navy of Spain, as it appears on paper, is large and powerful.

The rates and classification of the vessels, set forth in the *Guia Oficial España* for 1873-'74, are as follows:

1. Vessels of the first class: iron-clad frigates, 10; screw-frigates, 10; side-wheel steamers, 2.

2. Vessels of the second class: side-wheel steamers, 10; screw-steamers, 9; screw-transports, 2.

3. Vessels of the third class: screw-steamers, 48; side-wheel steamers, 7; screw-transports, 4; vessels unclassified, 5; sail-transport, 1; pontons, 2; screw-gunboats of one gun each, 18.

Although the nominal force is thus formidable, it would appear that the available force is relatively small.

I inclose translation of explanations on this subject, which appeared originally in the "*Diario Español*," but which have been adopted and commented upon in most of the other journals of Madrid.

If not interesting to you, it may be to the Secretary of the Navy.

I have, &c.,

C. CUSHING.

[Inclosure.—Translation.]

[Extract from "*La Epoca*" of August 24, 1874.]

We have at Tangiers the frigate *Navas de Tolosa*, a vessel of 600 horse-power, with 48 cannon, whose mission is to be at the orders of the minister plenipotentiary of Spain for the eventualities of the insurrection of the Kabilas there against the Sultan. The nation is seen worthily represented alongside the vessels which have gathered in that roadstead for the protection of their respective citizens, and all admire the discipline, the neatness, the order which reign on board the frigate, and the subordination of its young and fine-looking crew. It is the only respectable vessel of those we count in service in the Mediterranean.

The *Cadiz* is at Barcelona, an old side-wheel vessel of 500 horse-power and 16 cannon, which, more than to guard the coast, is used as a transport, forming, with the *Diana*, a sloop of three cannon and 160 horse-power, all the naval force which the superior authority of Catalonia has at his disposal. Our readers will comprehend how necessary would be a vessel at Tarragona, another at Rosas, and a division of gunboats in the mouths of the Ebro; as it is an affront that the rebels should impede navigation as far as Tortosa, and, with two or three bad launches off the Cape of Oropesa and the Columbretas, that they should keep Peñíscola blockaded, and cruise along the coast as far as Amposta and the Alfaques.

At Valencia we have the *Colon* and the *Lepanto*, both side-wheelers, the first with six cannon and engine of 350 horse-power, and the second with two cannon and engine of 200 horse-power. The latter is of little use, as she combines poor sea-going qualities with very slow speed, the *Colon* being also slow. The coast from Castellon to the Gulf of San Jorge being dominated by the Carlists, another class

of vessels, which we have not, was indispensable, in order to be constantly lending protection to the coastwise traffic, and preventing contraband of war and of clothes and tobacco, which is carried on through Vinaroz, Benicarló, San Carlos de la Rápita, Ampolla, Atmella, and other places on the coast.

The San Antonio is at Alicante; a small transport of 600 tons and 90 horse-power, built to carry the mail to Fernando Póo and now turned into a cruiser, to the discredit of our honor before foreigners, who see that we make use of such vessels for purposes of war; although it is true that we have the tow-boats of Ferrol firing upon Zaranz and other points of the Cantabrian coast.

At Cartagena, a naval station, there is on service the mystic Isabelita, which is a transport much smaller than many of the launches carried now-a-days by iron-plated vessels. To place this little boat in the squadron of our forces in the Mediterranean is somewhat ridiculous.

The Liniers, at Almeria, we presume is destined for the prevention of smuggling, although also of little use for this purpose, as it is a small side-wheel steamer, with two cannon, and of 147 horse-power; slow, twenty-eight years in service, and with very old engines. We can say the same of the Alerta, which is at Malaga, of less power and more years than the former, with two cannon, and very slow. The Vulcano is at Cadiz, a side-wheel steamer, built in 1846, of 200 horse-power and six cannon, destined, we believe, to the prevention of smuggling; for as a vessel of war she is worthless.

If from the south we pass to the north, we observe that all the means of vigilance of which we have been able to dispose, for a coast so extensive and of such special conditions as the Cantabrian, are reduced to the schooners Consuelo and Prosperidad, of two cannon each, the first with engine of 200 and the second of 80 horse-power; the Leon, with side-wheels, of 230 horse-power, engines very old, and of little speed; and the gun-boats Gaditano and Ferrolano, and some other little steamboat armed for war. These are all the vessels which have to guard an extensive hostile coast, by which the Carlists have received so much help for a year past.

Neither the iron-clad frigates which we count, nor the magnificent ones of wood which we possess, can be employed at the north for what we need there. The Blanca was for a few days between Santander and Portugalete, and was obliged to go to Ferrol to save herself from shipwreck. Another class of vessels is needed for such cruisers, but unfortunately we lack them, after having spent in the increase of the navy fabulous hundreds of millions, (rs. vn.) The same happens to us in Cuba and the Philippine Islands, notwithstanding the sadly-celebrated gunboats which were built in the United States, and are to be found almost useless at the arsenal of Havana.

No. 576.

Mr. Fish to Mr. Cushing.

No. 61.]

DEPARTMENT OF STATE,
Washington, August 27, 1874.

SIR: I acknowledge the receipt of your interesting dispatch of the 30th ultimo, No. 66, in relation to the possibility of European intervention in the affairs of Spain. It confirms accounts which have reached this country of atrocities in warfare which seem incredible in the nineteenth century, which are without excuse or palliation, and a continuance of which would be degrading to human nature.

I am, &c.,

HAMILTON FISH.

No. 577.

Mr. Cushing to Mr. Fish.

No. 86.]

LEGATION OF THE UNITED STATES,
Madrid, August 27, 1874. (Received September 16.)

SIR: The recent conscription in Spain is now substantially completed, and, according to current calculations, will yield an additional force of at

least 60,000 men for the army. It will also yield to the treasury at least 300,000,000 of reals (\$15,000,000) on amounts paid for exemption. Contrary to expectation, the levy was effected in Madrid without the least violation of public order. Occasional disturbances occurred in some of the provincial cities and country populations, but mostly of a very trifling character, and none of very serious nature, except at Granada, where the Internationalists seized on the occasion to make a transient manifestation.

The Carlists exerted themselves to interrupt the conscription in districts of the country open to their incursions, but without producing any serious effect.

Since my last reference to this subject the only very important military occurrence has been the capture by the Carlists of the town and fortress of Seo de Urgel, on the Catalonian frontier of France. By this capture the Carlists will have obtained possession of a considerable amount of guns, munitions of war, and other military supplies; and also of a very advantageous military position in Upper Catalonia.

In Valencia, Aragon, and Catalonia, as well as in Navarre, the Carlists continue to range the country at will in all directions, attacking occasionally some of the secondary cities, which, with all the large ones, maintain adhesion to the government. Of such attacks the most serious is that now being made for the second time on Puigcerdá.

Similar attacks on other places have been repelled by the inhabitants and the forces of the government.

In most cases where the Carlists make such incursions or attacks they do not act for the purpose of retaining possession of the places assailed; but, in the first instance, in order to make forcible levies of provisions and money, and, in the second place, to burn, waste, and destroy.

In all quarters, wherever they have opportunity, they take special pains to burn and destroy the civil registers and archives of the little villages and hamlets subject to their inroads.

From an early period in the civil war they have exhibited a singular hatred of railroads, which, at the outset, they destroyed without any strategic purpose, and in the mere spirit of devastation. Thus it was that, at an early day, they blew up the bridges and tunnels on that portion of the Northern Railway, so called, which extends from Miranda de Ebro, by Vitoria, Alsásna, Toloso, and San Sebastian, to Irún; that is to say, lying almost entirely in their own country of Alava and Guipizcoa.

At that period, also, they interrupted, from time to time, but capriciously and without system, the railroads in Catalonia and Valencia.

Thus it was that at the time of my coming to Spain traveling by railroad from Irún to Miranda de Ebro was impossible; and it was subject to frequent interruption in Catalonia, Navarre, and Valencia.

But the Carlists have recently entered more systematically upon the enterprise of destroying railroads, in the purpose of cutting off communication between Madrid and all the great northern, northeastern, and eastern provinces of Spain.

Thus, at the present time, the railroad from Miranda de Ebro to Irún no longer exists; that from Tafalla to Pamplona, and from Pamplona to Alsásna, has ceased to be practicable. The same may be said of the railways from Valencia to Tarragona, from Lérida to Barcelona, from Barcelona to Zaragoza, and from Barcelona to France.

And the same, also, of the road from Valencia to Játiva, and even beyond that in the direction of Madrid; for, by means of their strength in the Maestrazgo, the Carlists are able to cut this road when they please

at its junction with the road from Alicante to Madrid. Thus it happens that the governor of Barcelona, having occasion just now to come to Madrid, was constrained to proceed by water to Alicante, and then was stopped by the blowing up of a bridge at La Encina, on the road to Madrid. Books from Washington for this legation now have to go by rail from Paris to Marseilles and thence by water to Alicante.

Recently many miles of the railroad connecting Madrid with Zaragoza, namely, the space between Arcos and Medinaceli, has been broken up by the Carlists, and they have made more than one movement against that portion of the Northern Railroad which leads from Madrid to Santander, and constitutes the only means of approximate communication with France.

Meanwhile the bulk of the army, under command of General Zavala, continues to be passive, no important movement in that direction having occurred since the engagement between General Moriones and the Carlists, at Oteiza, and the victualing of Vitoria by General Zavala. And, at the same time, detachments of Carlists seem to cross the Ebro when they please, to make incursions into Old Castile, for the purpose of ravage and plunder, as in the case of a recent attack on the considerable town of Calahorra.

It may be that General Zavala is preparing for some great military movement, and it is suggested that he is awaiting the advance of General Pavia through Aragon. However this may be, certain it is that the contrast between the universal activity of the Carlists and the apparent inaction of the forces of the government tends to diffuse a general feeling of discouragement, not in Madrid only, but in other parts of Spain.

I have, &c.,

C. CUSHING.

No. 578.

Mr. Cushing to Mr. Fish.

No. 98.]

LEGATION OF THE UNITED STATES,
Madrid, September 16, 1874. (Received October 5.)

SIR: The following is the text of a telegram which I had the honor to send to you at 11 o'clock this day:

FISH, *Secretary, Washington*

Minister of state authorizes assurance that story of contemplated transfer of Puerto Rico to Germany is utterly destitute of truth, either in fact or intention.

CUSHING.

MADRID *September 16.*

Permit me to add a brief explanatory commentary.

My dispatch No. 83, written soon after the arrival here of telegraphic repetition of the statement contained in the "Freeman's Journal" of the intended cession of Puerto Rico to Germany by Spain, referred briefly to this subject, reporting contradiction of the rumor on the basis of unofficial information. But on the arrival here this week of newspapers containing the detailed statement, with extracts of pretended diplomatic communications on the subject, it seemed to me that you would approve my going so far as to obtain direct, official, and authoritative contradiction of the statement. I accordingly called on the minister of state yesterday and presented the subject to him in such terms as to invite him to make such explanations if he might see fit. Mr. Ulloa re-

sponded promptly and positively that not only was the whole story false in substance and in detail, but that to the contrary of so many newspaper stories, which have in them an atom of fact upon which to raise a great structure of falsehood, the present statement did not possess even that exceptional atom of fact, but was in its entirety destitute even of a shadow or pretense of foundation. He added that the alleged letter of Admiral Polo de Bernabé having just come to his knowledge, he had caused Admiral Polo to be notified thereof, in order that the latter might in his own person expose the falsehood and the fabrication.

I have, &c.,

C. CUSHING.

No. 579.

Mr. Cushing to Mr. Fish.

No. 104.]

LEGATION OF THE UNITED STATES,
Madrid, September 22, 1874. (Received October 17.)

SIR: I inclose herewith original and translation of a communication addressed by Admiral Polo de Bernabé to the newspaper published in this city entitled "El Gobierno," in which he emphatically declares the forgery and falsehood of the correspondence on the subject of Puerto Rico attributed to him by the "Freeman's Journal," of New York.

I have, &c.,

C. CUSHING.

[Inclosure.]

[Translated from "El Gobierno."]

Rear-Admiral Polo has addressed the following communication to "El Gobierno:"

VALENCIA, *September 17, 1874.*

Messrs. Editors of "El Gobierno:"

DEAR SIR: In this city, where I am casually, I have received some slips from the American newspapers, the "New York Herald" of the 18th and 21st of August last, in which I have read with surprise and disgust, that the periodical, also of New York, the "Freeman's Journal," has had the audacity to suppose the existence of some dispatches from the minister of state, addressed to me in the beginning of April last, in regard to the cession of Puerto Rico to the German Empire in exchange for assistance in combating Carlism.

The "Freeman's Journal," not contented with this absurd invention, inserts, moreover, the dispatches which it supposes I addressed in reply to the minister of state.

Notwithstanding that such inventions merit only contempt, and notwithstanding my repugnance to condescend to contradict calumnious falsehoods, I wish to state, over my signature, that the existence of all the dispatches which the Freeman's Journal has had the audacity to invent is a downright falsehood, as is also that I resigned the office of minister plenipotentiary of Spain, at Washington, since my recall from that post responded to reclamation of my services for the navy from the minister of marine.

All that the "Freeman's Journal" has published on the subject referred to is a tissue of absurd and despicable calumnies; and it will be so judged by all who know the national sentiment of Spain, and the zeal of the Spanish government for the honor of the country.

I beg you to be pleased to insert these lines in your estimable journal, and anticipating my thanks to you therefor, I offer myself as your attentive servant, Q. B. S. M.

The rear-admiral,

JOSE POLO DE BERNABÉ.

No. 580.

Mr. Cadwalader to Mr. Cushing.

No. 76.]

DEPARTMENT OF STATE,
Washington, October 7, 1874.

SIR: With reference to your dispatch No. 98, of the 16th ultimo, relative to the alleged transfer of Puerto Rico to Germany, I have to state that your action in regard to the matter, as therein set forth, is approved.

The Department has never placed any faith in the rumors regarding the alleged transfer.

I am, &c.,

JOHN L. CADWALADER,
Acting Secretary.

No. 581.

Mr. Cadwalader to Mr. Cushing.

No. 78.]

DEPARTMENT OF STATE,
Washington, October 20, 1874.

SIR: Your dispatch No. 104, of the 22d ultimo, inclosing a printed copy and translation of a communication addressed by Admiral Polo de Bernabé to "El Gobierno," (a newspaper published in Madrid,) in which he pronounces the correspondence on the subject of Puerto Rico, attributed to him by the "Freeman's Journal," a forgery, has been received.

The letter of Admiral Polo had already appeared in the public prints in this country, and will finally dispel any possible question on this subject. The publication in the "Freeman's Journal" has attained a notoriety hardly justified, considering its source and foundation.

I am, &c.,

JOHN L. CADWALADER,
Acting Secretary.

No. 582.

Admiral Polo de Bernabé to Mr. Fish.

[Translation.]

LEGATION OF SPAIN IN THE UNITED STATES,
Washington, February 19, 1874. (Received February 19.)

The undersigned, minister plenipotentiary of Spain, has the honor herewith to transmit to the honorable Secretary of State of the United States a translation of the memorandum which the executive power of the Spanish republic addresses to foreign powers.

The undersigned avails himself, &c

JOSÉ POLO DE BERNABÉ.

[Inclosure.—Translation.]

MINISTRY OF STATE.—CIRCULAR.

The government constituted at Madrid on the 3d January, unreservedly accepted by the country and being vested by the very beginning with the fullness of power, after explaining its origin and its purpose, considers that the wished-for occasion has arrived for addressing itself to foreign nations and frankly laying before them the real nature of the circumstances from which it sprang into life, the political creed that is embodied in its component members, and the views that in the future will determine its policy.

The lamentable series of events, which, although varied in their nature and apparently contradictory at times in their outward manifestations, were logical nevertheless in their occurrence, however painful in their significance, have brought agitation and bloodshed to Spain from the abdication of her last sovereign, are perfectly well known to the world. In the present close communion of interests and intellectual intercourse between one nation and another, doubtless there has been felt abroad, just as has been our experience in past times, the commotion of that strife and of those catastrophes that seem to have been imposed upon nations as their highest teaching and as a necessary element in the purification of modern liberty. Disasters and disturbing agencies that in Spain have altered the serene and majestic course of a revolution effected without bloodshed, unanimously hailed and respected by the country, happily established on the most exalted conceptions of public law, accepted with rare benevolence, and ere long acknowledged in the person of its chief magistrate by the principal governments of Europe and America.

Amidst the wars and calamities that, like a fatal procession, followed on the resolution of the last king, and for a long time weighed heavily on our country, the powers of Europe, fearful, perhaps, lest the sparks of our conflagration should fall in their midst, have had an opportunity of observing that neither the quietude and repose characteristic of slavery, with which, on the one hand, the partisans of absolutism endeavored to allure us, nor the gratification of gross appetites and of sinister or brutal passions, with which we were tempted on the other, by demagogism, were ever able to array our citizens and the diverse classes of our society in renunciation of that constitutional liberty they had so gloriously conquered, or of those guarantees of order and stability which were to be found in the new institutions.

With almost every ship in traitorous hands, the strength of the army gone, owing to a want of discipline hitherto unparalleled in the history of Spain, our towns dismantled, and our fields laid waste by the very soldiers and sailors who ever were the shield of our protection, an example for others, and the just pride of the country; our national unity, which our forefathers had so laboriously consolidated, threatened with dissolution; the public credit annihilated; the partisans of absolutism, who have ever taken courage with our misfortunes, elated at sight of so many untoward complications; all the powers maintaining an attitude of reserve, and some of them putting aside indifference only to frame resolutions indicative of prejudice or apprehension; property assailed, and every interest alarmed; religion outraged and persecuted; the very existence of family relations publicly lowered and reviled; the eternal foundations of human society clamorously discussed and impugned, with doubt in every mind and anxiety in every breast, the Spanish people still had secret hopes of salvation, and, by a mysterious intuition common to her most eminent sons, trusted yet to recover strength and peace without sacrificing those liberties they have for a long time enjoyed, and without forever yielding the progress gained during the last years and lately turned from its rightful channels by ignorance or by perfidy. Such are, briefly narrated, the features of the vital crisis we have passed, and which it was important to set forth with scrupulous fidelity, for only thus can other governments clearly understand the events we have reviewed and fully grasp their import.

The Spanish nation, suddenly left without the means that avail to defend and balance the social organisms; unexpectedly deprived of those institutions that assure her existence and assist her development, has for a long time striven to regain possession of herself, to slowly reconstitute the shattered economy of her system, and to free herself with as little violence as possible of such as have abused her patience by covering our soil with ruin and bloodshed, of such as were but recently endeavoring to bring about anarchy and dissolution with their unsuccessful theories of federalism, and of such as in the northern part of our country wish to suppress dangerous movements by condemning us to perpetual immobility and stifle imprudent manifestations by imposing eternal silence.

In order to achieve this great and primary object, public opinion, solely intent on the liberation and reconstruction of the nation, assisted every effort, ingeniously devised every combination that through peaceful means was calculated to restore the country to herself, and accepted with approval, or possibly sought indirectly, the efficient co-operation of those very persons who were previously leading her to ruin.

Thus, when in September last the federal Cortes agreed to suspend their deliberations, granting to a government which was also federal dictatorial and saving powers, the greater part of our citizens and the majority of our parties sincerely concurred with the decision of that assembly, forgetting their origin, generously ignoring the senseless fancies and the suicidal exclusivism of a parliament only distinguished by the dangers it had created, and by its persistency in preventing, through arrogant self-conceit, the restoration to order and tranquillity demanded on all sides. More unanimous and more expressive, if not more noble and disinterested, was the enthusiastic adhesion given by all parties and classes of our society to aid in the work of reconstruction of that illustrious statesman who, mindful of the lessons of a painful experience, renounced with noble sincerity and heroic patriotism the most utopian dogmas of his school, and received at the hands of the last Cortes a dictatorship inevitably condemned to be a mockery and a delusion, or to display its power against the very body by whom it had been conferred.

From the moment that Spain was able to measure the scope of that power and appreciate the loyalty of those whose mission it was to wield it, public sentiment, the press, all the vital energies of the nation gave public adhesion and support to the government, which by its manifestations became the exponent and director of aspirations common to all, and gave a character of irrevocability to the decision at first adopted by the Cortes only as a temporary measure. By the full import of that measure, the Cortes engaged themselves, before Spain and the civilized world, to carry out the fruitful mission which although late, they had taken unto themselves, or else perish divorced from their country in presence of the outburst of national feeling, inasmuch as if, in the practice of nations more free than ourselves, and more advanced in progress, there are certain principles which, by common consent, are never discussed, and are considered as immutable truths which it is not lawful to impugn; with more reason should such decrees and deliberations be considered final among us, as were intended to effect the re-organization of our army and navy, the re-establishment of the rights of property, and the preservation of national unity.

Spain, nevertheless, waited still. Only after the Cortes had resumed their labors, when by the first vote they desisted from their projects of restoration, and again jeopardized by the strife of their embittered passions the most fundamental institutions and the integrity of the country, and in the decomposition of the same assembly the triumph became visible, which three months previous had been anticipated, of ill-restrained demagogism, and the country was being dragged to that ruin to which the parliament seemed to be blindly and persistently leading it. The garrison of Madrid, with wonderful prevision seized the moment for interference, rightly interpreting the wishes of the army, the navy, and the whole country, thereby saving in a few hours the life and the honor of the nation.

The executive power of the republic which was established in Madrid on the fourth day of this month, under the presidency of General Serrano, is the result and the expression of that necessary and solemn act.

It is thereby apparent that there can be no similarity between this government and those which in former times has been brought forth by *coups d'état*, and how futile would be any comparison instituted between the patriotic act accomplished by the garrison of this capital and those recorded in the pages of history in olden times and for other purposes.

The new executive power was created in order to satisfy the instinct of self-preservation which at a critical moment inspired public opinion and the army; it was formed in presence of a committee, in which were represented all those liberal factions unwilling to add their share to the already long series of conflicts and disturbances, and uniting in its composition the two parties having the most direct and active influence in the revolution of September.

In spontaneous accord with its origin, in obedience to the force of circumstances, and strictly limiting the changes which necessarily followed their advent into power, as was required by the uncommon gravity of this historic moment, the executive body maintains the constitution of 1869, with the suppression of the article which was canceled by the abdication of the last king. It preserves in the organization of the various powers of the state the form it found there established, and it continues the dictatorship which but a few hours before had been exercised by a ministry named by the Cortes, with this advantage, that the present government, free from pressure and untrammelled by parliamentary veto, is in a position to utilize immediately all the means with which it has been invested with a firmer purpose, with more rapid and energetic counsel, and with a stronger and more persevering hand, until the civil war shall have been terminated and the turbulent passions of demagogism completely subdued. Public opinion, which will then have cast off the vague uneasiness produced by rebellion, and the imposition which up to the present has been forced upon it by armed multitudes, will have free expression through the ballot-box; the nation, represented in the Cortes, will fill the void in our institutions produced by the voluntary renunciation of the monarch; will suggest such reforms in the constitution of the state as the painful

lessons of these recent times shall have shown to be expedient or necessary; will readjust the somewhat worn mechanism of power, and by developing the strong vitality which is characteristic of free peoples will surely avoid, as is from this moment the firm resolve of executive power, the slightest cause of apprehension in reference to Spain on the part of other countries.

The unanimous adhesion given by the army to the saving act of the garrison of Madrid, and that which was subsequently expressed by all the towns and the great majority of the authorities holding office under the previous ministry, sustained from the very first the government in this hope, and afforded inestimable proof of the confidence of the country.

The rapidity with which new attempts at federal insurrection were suppressed, and the facility with which the communist flag was lowered, that flag that behind the formidable walls of Cartagena had for months been a cause of anxiety to Spaniards and of scandal to every civilized nation, should now be viewed as still more interesting results and the true justification of the new political situation.

The executive power of the republic, thus hailed and accepted by all peaceful citizens, rather as a spontaneous expression of the national want than as a result of partial efforts, will carefully endeavor to deserve and preserve the singular confidence which has been placed in it. Identified with the revolution of 1868, it will maintain, in the region of government, the political significance of that glorious uprising, under the protection of which, and by whose development, the men who to-day form the government obtained for constitutional Spain the friendship and the consideration of all nations, and gave to the various powers of Europe and America the respect and the reciprocity to which they are by so many reasons entitled.

Assembled and united to-day on the basis of a democratic code in that constitution, in its faithful observance, in the enjoyment of the liberties which it concedes, and above all in the strict and vigilant use of the guarantees with which it surrounds the cause of order, will be found the political guide of the Spanish government at the time when the embarrassment which it hopes to suppress shall have ceased to exist. But the government is conscious that, under these critical circumstances, and, as a general rule, in periods of transition common to all countries, when the limits marking political divisions become fainter, when the accumulation of events obliterates the confines of party, and rapid change of sentiment prevents the establishment in public opinion of visible and permanent boundaries, then the standard by which men and governments are to be judged is as much the result of their acts as of their previous aspirations; the use made of authority and the practical means to which it appeals are as important to determine a political character, as the declaration suggested by patriotism, the series of measures, and the sum of its antecedents, are no less significant of the purpose of the government than its known principles or its ultimate ideals. And in the light of these views the executive power, which at the time of its formation patriotically seized a dictatorship, willingly assumes before the various powers, as it will one day justify itself before the country, the representation of that fundamental act, and the energetic means by which it has endeavored from the moment of its birth to deserve abroad the cordial friendship of all nations, and to preserve at home against all hazards the integrity of the soil, order, and liberty.

Madrid, January 25, 1874.

PRAXEDES MATEO SAGASTA.

True translation :

JOSÉ POLO DE BERNABÉ.

No. 583.

Señor Ulloa to Admiral Polo de Bernabé.

[Received from Admiral Polo, June 23, 1874.]

[Translation.]

No. 47—Circular.]

MINISTRY OF STATE,
Madrid, May 22, 1874.

SIR: I send to your excellency, inclosed, the manifest which the new ministry has just addressed to the country, wherein it explains its present designs and its aspirations for the future.

In order to leave no doubt as to the views of the government, I think it my duty to give your excellency an idea of the spirit which actuates it in its international relations, as well as of the opinion which it has

formed of the peculiar position in which recent events have placed it toward foreign powers, hoping in both cases that its silence may not be improperly interpreted, and that malice may not distort its honest purposes.

After a long period of struggles and convulsions, Spain finds herself to-day in a position of such difficulty that she needs to concentrate within herself all her strength, and to attract towards her internal situation all the thoughts and all the energy of the national power, in order to return, free from fears, violence, and wars, to the solemn exercise of her sovereignty, and to reach a decision, from which there shall be no appeal, in relation to her future destinies. That time was thought to be remote, when, the army being broken up or without discipline, the principle of authority lying prostrate, important provinces and towns being a prey to Carlism and anarchy, all bonds being broken, all guarantees trampled under foot, the nation being devoured by factions and the government by impotency, the time-honored and firm union of our country seemed on the eve of dissolution. Since, however, thanks to the energy of the ministries who have preceded us, and in presence of the danger which threatened society at large, an act of manliness, forged in the indignation and the shame which possessed the country, rather than imposed upon the country, dislodged the Cantonals at Cartagena, their last stronghold, and put an end to the mad hopes of the absolutists in the mountains of Somorrostro, the cause of order and liberty made sure of its final triumph at no distant day, demagogism was forced to lower its black flag, and the fanatics of the past no longer influenced even the weakest minds by means of those fears and discouragements which were never shared by those who, knowing the vicissitudes of our history, well knew that the vitality and perseverance of the Spanish people increase and are strengthened with their misfortunes.

Not because we have sensibly improved our internal regimen, can we or ought we to refuse to give our constant attention and efficient action to the international affairs which occupy the attention of foreign cabinets at the present time, nor will be induced to abandon our modest attitude by those who, with arrogant pretensions, place before us the glorious recollections of our ancient power. Only on the improbable, inadmissible hypothesis of our legitimate interests being disregarded, of an insult being offered to the national honor, or of the integrity of our territory being threatened, would we abandon this attitude, and would then take counsel only of our patriotism, in order to defend our rights with the aid of God and the efforts of this generous nation.

The present cabinet, which lives in communion with the great ideas of modern times, the expansive spirit of which has frequently burst the narrow mode of ordinary customs, hopes to secure the official confirmation of the friendly understanding which it maintains with other cabinets, not by sacrifices of its dignity, which it could not honorably make, but by intrusting the realization of this desire to the importance and significance of our own acts, and perhaps it would not say too much should it add, to the justice and sense of propriety of foreign powers.

We are united to them by the strongest political bonds, which neither intrigue nor ambition can loosen, and which bid defiance to traditional suspicions and antipathies; they are bonds, in a word, which are formed by mutual interest and by common danger.

With statements apparently diverse, identical problems present themselves to the civilized world for solution, problems which involve, for the march of statesmanship, the same obstacles and the same complications. The annihilation of distances, the prodigious increase of com-

merce, the constant communication of nations, the cosmopolitanism of thought, the similarity of representative institutions, everything, in a word, combine to universalize impulses and resistances, and to establish the solidarity of governments.

Some measure the importance of conflicts by the importance of the locality in which they occur, and view them with a certain indifference, and consider them as altogether extraneous on account of their not closely and immediately affecting the interests which *they* represent and defend, as if isolation were not possible, and contagion were not inevitable.

There, where the combat is waged in behalf of social order against anarchy, in behalf of the conquests of modern law against the exhumation of decrepit systems, there are, there must be, at least the sympathies of prudent and judicious powers, which are guided by the principles of a sound policy and of a well-regulated selfishness.

But a few months since, Spain was sustaining three civil wars, not provoked by any injustice, but engendered by the heat of bad instincts and lamentable excesses: one in Cuba, where it is sought to wrest from us, the discoverers and civilizers of America, that last bit of soil, in which we are battling, not for our prestige, not for our influence in the New World, but for our honor, which we must leave to history untarnished; another in the Basque provinces, which are trying to resuscitate a cause that was lost forty years ago; and finally, the federal insurrection, now crushed, which dared to lift its parricidal hand against the immutable nationality of Spain, which has been cemented by the blood of a hundred generations. Two of these wars are still raging upon our soil, cutting off the flower of our youth, and calling for great and painful sacrifices on our part, while the elements which produced the third, still agitate themselves in the bosom of our disturbed society, scandalizing both natives and foreigners.

Not only is Spain interested in the issue of these contests; Europe, tranquil and prosperous, while we are exhausting our best energies to sustain them, cannot consider herself to be totally uninterested in their results. It is true that filibusterism now presents itself with armed hand only in order to snatch our prized Antille away from its obedience to the mother country. But if the right of Spain was mortally wounded, would that of other nations which have territories beyond the seas remain uninjured? Have the frightful colonial insurrections of past days been forgotten? It is true that only in Spain has fanaticism placed arms in the hands of ignorance, availing itself of circumstances favorable to its designs; but it is also true that if we lend an attentive ear we hear a distant but increasing noise, which gives evidence of deep religious agitations, in spite of the toleration on which the nineteenth century prides itself. Of propagandist demagogism which, under a variety of forms and titles, is undermining, sometimes in broad daylight, sometimes in secret conclave, the broad foundations on which society rests, and which, in order to form a new state of society—such as has existed in the imaginations of the apostles of every chimera—begins by attacking whatever is venerable and sacred in the human conscience, from the idea of a country to the constitution of the family; of that demagogism our country would not have been the only victim if, unfortunately for all, it had succeeded in planting its bloody flag upon the ruins of our cities.

This is the broad view taken by the present cabinet of the task which the public good and the present condition of the country have imposed upon it. If this on the one hand involves most grave responsibilities, it may offer on the other, if fortune is not adverse to it, immense and fruitful results.

It does not fear, therefore, that in so critical a situation, when it presents itself as a modest but decided champion of the cause of order, liberty, and progress—which is also the cause of the civilized world—the latter will withdraw, either wholly or in part, the efficient support of its sympathies, or that it will in any way curtail the integrity or the regular form of diplomatic relations. Public opinion, which directs the governing of states, no longer tolerates the narrowness of mind or the suspicions which guided foreign policy, when that policy was elaborated in the obscurity of cabinets, for the purpose of gratifying national rivalries and ambitions which were purely dynastic.

Public opinion, which is now based upon lofty sentiments of justice, and a high regard for the best interests of society, finds an echo in all languages, and is naturalized in all countries; and that public opinion which has marked out the path of our duty, in Spain, for us so imperiously and eloquently, is not destined to divorce us from the community of aspirations which is formed, be secondary misunderstandings what they may; by the intimate and sublime harmony of modern Europe.

Your excellency, adopting these sentiments for your guide, and amplifying the foregoing considerations in your intercourse with the statesmen with whom you may be brought into contact, will interpret, with scrupulous fidelity, the views of the government, whose honest purposes do not seek mystery for their realization, but must, on the other hand, find in the widest publicity the applause of all who become acquainted with them. To sum up: the government, whose chief task it is to restore internal order, and to put an end to the disturbances which still agitate the country, does not desire to appear with pretenses of any kind before foreign powers; it thinks it evident, however, that the work best calculated to consolidate public peace in a nation so disturbed by powerful opposing elements, to elevate the principle of authority, lying prostrate through inconceivable weaknesses, and to repress, in like manner, the excesses of anarchy, and the blind zeal of absolutism, is a work of transcendent importance, which cannot be confined within our frontiers, and which must be appreciated beyond them at its full value and significance, as well by reason of the mutual affinity of interests and the noble sympathies which it must awaken, as by the indubitable influence of its consequences.

The ministry does not doubt that its patriotic desires will be realized, and that the high social and political interests intrusted to it will be duly protected; it does not doubt, moreover, that the Spanish nation, when the present exceptional situation, temporarily created by the gravity of the circumstances, shall have come to an end, will find most firm guarantees of moral and material order, which will permit it, in the regular enjoyment of representative institutions, to manifest, without foreign pressure and with all purity its true sentiments, and its sovereign will.

This letter, which I have the honor to address to your excellency by order of his excellency the President of the republic, and with the approval of the council of ministers, as also the manifest which accompanies it, you may read to the minister of foreign affairs of the government to which you are accredited, leaving a copy of both documents with him if he shall desire it.

AUGUSTO ULLOA.

MADRID, *May* 22, 1874.

A correct copy of the original:

JOSÉ POLO DE BERNABÉ.

[Inclosure.—Translation.]

EXECUTIVE POWER OF THE REPUBLIC.

TO THE NATION: Long and pompous programmes have been so much abused, that they are generally received with marked indifference. The grave and extraordinary circumstances through which we are now passing, however, render it absolutely incumbent upon the new government briefly to state its purposes in a public document, since it is unfortunately unable to do so before the representatives of the nation.

The persons who compose this cabinet are of one party only, but it is their firm intention to govern for the whole nation, without being influenced by any narrow party spirit. It therefore hopes for the support of liberal men of all shades, that it may be enabled properly to perform its arduous task, since the homogeneity of ideas and of actions in the high spheres of power is not opposed to the good understanding and harmony of all who are inspired by noble and lofty sentiments. Only in case this conciliatory attitude should be met by unjust aggressions, which might jeopardize the successful accomplishment of the task which the government is called to perform, would the government use all the means at its command in order to preserve public order and the high social interests of the nation intact, without regard to other considerations. The memorable 3d of January happily put an end to the demagogic excesses which neither the clamor of public opinion nor the energetic and honest efforts of the most illustrious men of a party which thus rent its flag had been able to suppress. Any one would doubtless be mistaken who should suppose that that necessary repression implies a condemnation of the revolutionary movement of 1868, subsequently so lamentably bastardized, whose generous spirit and whose regenerative aspirations are represented and maintained in all their purity by the members of this cabinet.

A sad legacy of those excesses was the civil war which now, for the third time in forty years, is desolating the richest Spanish provinces. Fortunately the recent victories of the national army have deprived of any dangerous character that senseless and preposterous attempt of the fanatical partisans of the old *régime*. To finish in the briefest space of time possible this cruel and devastating war, to prevent its resuscitation in future, to re-establish, in a solid manner, that peace which is so ardently longed for in the peninsula and in our provinces lying beyond the sea, and to exterminate every germ of future disturbances, is the task to which the government will assiduously devote its chief attention and its best efforts; for the cause of liberty against absolutism is not merely the aspiration of a party, it is the consecration of modern law and the defense of civilization and progress. In vain should we endeavor to conceal the lamentable condition of our exchequer, now burdened with the enormous expenses of the fratricidal struggle in which we are engaged.

In order to cure this evil the government does not offer empirical and fallacious remedies. What it does solemnly promise is to make known the true condition of the treasury, to manage the resources of the country with strict honesty, and to make no use of means which, while they may temporarily satisfy urgent necessities, subsequently produce discredit and ruin. The government is not unaware of the obstacles which it has to encounter in its march; it relies, however, in order to surmount them, upon the co-operation of the nation, which is now thirsting for repose. The ministers will consider their patriotic labors rewarded if they succeed in shortening an interim during which the working of liberal institutions is suspended, and they ardently long for the time when, moral and material order being secured, the country may be freely consulted with regard to its destinies.

Madrid, May 15.

JUAN ZAVALA,

President of the Council of Ministers and Minister of War.

AUGUSTO ULLOA,

Minister of State.

MANUEL ALONSO MARTINEZ,

Minister of Grace and Justice.

RAFAEL RODRIGUÉZ,

DE ARIAS Y VILLAVICENCIO,

Minister of Marine.

JUAN FRANCISCO CAMACHO,

Minister of Finance.

PRAXEDES MATEO SAGASTA,

Minister of Gubernation.

EDUARDO ALFONSO COLMENARES,

Minister of Commerce and Industry.

ANTONIO ROMERO ORTIZ,

Minister of the Colonies.

A copy:

JOSÉ POLO DE BERNABÉ.

CASE OF THE STEAMER VIRGINIUS AND EXECUTION OF CITIZENS OF THE UNITED STATES CAPTURED ON HER.

I. CORRESPONDENCE WITH THE LEGATION OF THE UNITED STATES AT MADRID.

No. 584.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 6, 1873.

Official Gazette publishes telegram from captain-general of Cuba, reporting capture of Virginius six miles from Jamaica, after a chase, by Spanish steamer Tornado. In compliance with my suggestion, instructions sent to captain-general to await orders from this government before inflicting penalties on passengers or crew.

SICKLES.

No. 585.

Mr. Fish to General Sickles.

[Telegram.]

WASHINGTON, November 7, 1873.

The capture on the high seas of a vessel bearing the American flag presents a very grave question, which will need investigation, and the summary proceedings resulting in the punishment of death, with such rapid haste, will attract attention as inhuman and in violation of the civilization of the age. And if it prove that an American citizen has been wrongfully executed, this Government will require most ample reparation.

FISH.

No. 586.

General Sickles to Mr. Fish.

No. 804.]

UNITED STATES LEGATION IN SPAIN,
Madrid, November 7, 1873. (Received December 8.)

SIR: Yesterday the official gazette published a telegram, of which the following is a translation:

ISLAND OF CUBA —The captain-general, in a telegram of yesterday, the 5th, reports that the steamer Tornado captured the pirate Virginius six miles from the coast of Jamaica, having made Bembeta, Hernando Céspedes (son) Quesada, Jesus del Sol, and others to the number of 165, prisoners, some of them being of importance. The horses, arms, and provisions of the Virginius were thrown overboard during the chase. The captain-general attaches importance to the occurrence.

In the afternoon I called at the ministry of state for the purpose of suggesting to Mr. Carvajal that this capture afforded an opportunity to inaugurate a more generous and humane policy in the conduct of the war in Cuba; that if it should turn out that the vessel was taken on the

high seas it might be the subject of a reclamation, and that in any event it would be well to direct the captain-general of Cuba to await orders from this government before taking any further steps in the case. Learning that his excellency was indisposed, I communicated my views to his deputy and wrote a private note to the minister, inviting his attention to the subject.

In the evening I mentioned the matter to President Castelar, remarking that I had received no information or instructions from my Government touching the incident, and that while we had no desire to extend our protection to the enemies of Spain, yet if it should transpire that the *Virginus* was an American ship, captured on the high seas by a Spanish cruiser, in time of peace, a demand would doubtless be made for the release of the vessel and all on board. I had, therefore, deemed it proper to remind his excellency of the precipitation which often marked the proceedings of the Cuban authorities in the summary execution of prisoners, and to recommend the dispatch of immediate and explicit orders forbidding any such proceedings without the previous sanction of this government.

President Castelar received these observations with his usual kindness, and told me, confidentially, that at seven o'clock in the morning, as soon as he read the telegram from Cuba, and without reference to any international question, for that, indeed, had not occurred to him, he at once sent a message to the captain-general, admonishing him that the death-penalty must not be imposed on any non-combatant without the previous approval of the Cortes, nor upon any person taken in arms against the government without the sanction of the executive. Now that it seemed possible other questions might arise, further instructions would be sent to General Jovellar in the sense I had indicated.

I expressed my satisfaction in learning that the President had determined to stop the cruel treatment of prisoners of war in Cuba, which had so embittered the unhappy contest in that island and so increased the difficulties in the way of any scheme of pacification.

Mr. Castelar remarked that it would be well for me to have a conversation with Mr. Carvajal on the subject, in order that the question might be brought through the regular channel before the council of ministers. I answered, that having already in an unofficial way thrown out a sufficient intimation to the minister of state, I preferred to wait instructions before taking any further step in so delicate a question.

I learn to-day that many deputies have united in an address to President Castelar, praying him to interpose his authority to prohibit the infliction of the death-penalty on any of the persons captured in the *Virginus*. A similar petition has been laid before the parliamentary committee sitting during the recess, and which is invested with certain extraordinary powers. This proceeding is passionately assailed by the reactionary press, which loudly demands the blood of the prisoners.

I am, &c.,

D. E. SICKLES.

No. 587.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 8, 1873. (Received November 8, 6.45 p. m.)

Communicated to minister of state substance of your cable about *Virginus*. He said no information had been received of punishments

inflicted. He has cabled captain-general for full report of facts. In reply to my observations on the law of the case, he said this government, without waiting for reclamations on our part, would spontaneously take such action as, in view of the circumstances, public law and treaty obligations required; and that on or before Thursday next he would acquaint me of the decision of this cabinet in the premises.

SICKLES.

No. 588.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 8, 1873. (Received November 8.)

After my interview at the department, minister called to state that his colleague of colonial office had received information of the shooting of four of the passengers of the *Virginus*—Céspedes, Bembeta, Jesus del Sol, and another. Mr. Carvajal expressed the extreme regret of this government in receiving this report. He is confident the act took place before the receipt of the orders sent by President Castelar on the sixth. Further orders to stay proceedings have been cabled, and the minister of state said he hoped to acquaint me on Monday with the action of the council of ministers.

SICKLES.

No. 589.

General Sickles to Mr. Fish.

No. 811.]

LEGATION OF THE UNITED STATES IN SPAIN,
Madrid, November 8, 1873. (Received November 28.)

SIR: This morning, on receipt of your telegram, dated yesterday, in relation to the capture of the *Virginus*, I had a conversation with the minister of state, of which I sent you a brief report by cable.

Referring to my visit to the department day before yesterday, and to the suggestion then made in a private note, I said I regretted to have occasion to inform his excellency that the conduct of the authorities in Cuba had shown the expediency of the steps I had recommended to be taken to prevent any acts of violence toward the passengers in the *Virginus*. Mr. Carvajal said that he had not heard that any of the prisoners had been executed.

Informing the minister of the purport of your instruction, I said the case presented, at the outset, a grave assumption of jurisdiction on the high seas to which the United States could not assent if it should appear that the *Virginus* was a regularly-documented American ship. In that event, and assuming that the vessel was seized outside of Spanish waters, this government would be expected to release the ship, passengers, crew, and cargo, and to signify its disapprobation of the trespass. In the present aspect of the question, I was not about to make such a demand; I should now only invite the serious attention of his excellency to the transaction, communicating the information and the views you had given me for my guidance, and I hoped that this government,

without waiting for a formal reclamation, would take immediate steps to make the reparation which public law and the recognized usage of nations might require. At the same time I intimated the importance of allowing no act to be done meanwhile in Cuba which could embarrass or prevent such a disposition of the case as the circumstances might show to be proper and just.

I then stated concisely the general principles of public law which I regarded as applicable to the facts, so far as they had transpired, in the preliminary reports received, Spain not having declared that war exists in Cuba, and the United States not having recognized the parties to the contest as belligerents. The Tornado had exceeded her jurisdiction in undertaking to capture a ship under a foreign flag in the open sea. No question would have arisen if the vessel had been found in Spanish waters, and a fair trial accorded to any American citizens on board, in conformity with the provisions of the seventh article of the treaty of 1795. On the case as it now appeared, the proceeding of the Tornado was as indefensible as if a Spanish commander in the north pursued Don Carlos to Bayonne, seizing him and taking him to Pamplona to be shot. Spanish ships of war had no more right to lay hands on an American vessel at sea than we would have to enter the port of Cadiz and arrest an offender against our laws. This immunity of every known flag on the ocean was a principle that Spain, in common with all maritime nations, had an equal interest in maintaining inviolate,

The minister said that he had cabled an order to the captain-general of Cuba for a detailed report of all the facts. He had put a series of questions to that officer, numbering them for greater precision, so that the council of ministers might be in possession of all the information necessary to a just appreciation of the occurrences. He hoped to be able to communicate to me the action taken on or before Thursday next. He was very glad I had not made a formal demand. It was unnecessary. This government would take up the question at once and decide it on principles of public law, and according to its international obligations, uninfluenced by political opinions or passions in any quarter.

I stated that the attention of this government had been repeatedly called to the rules of international law applicable in such cases. In 1869 you had addressed a note to the Spanish minister in Washington, pointing out certain clauses in a decree issued by General de Rodas, then commanding in Cuba, which erroneously asserted the right of Spain to take and detain suspected vessels on the high seas, and treat them as pirates. Pursuant to your instructions I had pointed out to Mr. Silvela, then minister of state, the grave consequences of such orders given to the Spanish fleet in the Gulf of Mexico, treating those waters as if they were a Spanish lake. Mr. Silvela assured me that he had already twice endeavored to acquaint General de Rodas with the true boundaries of his authority, which he had obviously exceeded in his decrees, and it would not be left doubtful that in his third performance the error of the captain-general should stand corrected. I had also had occasion to discuss and settle with General Prim's government, in the affair of the Lloyd Aspinwall, a clear precedent in this class of cases. Very recently Mr. Carvajal himself had considered the same general question in the matter of the Deerhound, an English vessel captured some miles off the Spanish coast in the Bay of Biscay, with arms and ammunition for the Carlists.

The minister said this government had released the Deerhound and her passengers and crew, moved by the same respect for public law that

would be now invoked in the investigation and consideration of the questions raised by the capture of the *Virginus*. I might assure you of the earnest desire of the government of the republic to treat the matter dispassionately and with a firm purpose to fulfill all its duties toward other powers, while maintaining a becoming regard for its own independence and honor.

I had returned to the legation and written my telegraphic report of this interview when Mr. Carvajal was announced. He came in saying, "I have bad news—four of the party on board the *Virginus* have been shot." His excellency proceeded to state that soon after I had taken leave of him, and while President Castelar was in the ministry, his colleague of the colonial office handed him a telegram containing a report received indirectly from an officer holding a subordinate command in Cuba, and stating that young Cespedes, Bembeta, Jesus del Sol, and another of the prominent persons captured, had been shot in the execution of a former sentence. Although the information was not so authentic and definite as to merit full credence, yet it had been received by this government with the utmost concern and regret, and he had hastened to impart it to me, although it was desired that, for the present at least, nothing should transpire on the subject in Madrid. He added that further orders had been cabled to the captain-general of Cuba, enjoining most imperatively that all proceedings against the persons in custody cease. The minister likewise remarked that up to this hour no report had been received at the colonial department from the captain-general of Cuba, and the government was confident that the deplorable act of the local authorities of the port to which the vessel had been taken must have happened before the receipt of the orders sent to the captain-general on the morning of the 6th instant by President Castelar. The whole matter would at once engage the careful attention of the council of ministers, and I might expect to receive a communication from him on Monday, day after to-morrow.

I called at half past ten to-night at the executive mansion, hoping to have a conversation on the subject with President Castelar, and found him engaged in a cabinet council, called, perhaps, especially for the consideration of this question.

I am, &c.,

D. E. SICKLES.

No. 590.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 10, 1873.

Minister says he has not yet received detailed report asked for from captain-general. It appears *Virginus* was taken to Santiago de Cuba, where she arrived at six in the morning of the 4th. A few hours afterward four of the passengers, who had been tried and sentenced to death some two years ago, were identified and shot. This was reported to General Jovellar on the 5th—the same day he was informed of the capture, and the day before President Castelar's order was sent from Madrid in reply to the captain-general's first telegram on the subject. I have received only one instruction from you in this case. If you have sent more please repeat.

SICKLES.

No. 591.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 11, 1873.

Have requested that orders be sent permitting our consul to see and freely confer with American citizens in custody of authorities at Santiago de Cuba.

SICKLES.

No. 592.

Mr. Fish to General Sickles.

[Telegram.]

WASHINGTON, November 12, 1873.

An official bulletin published in Havana on 5th announced capture of Virginus on 31st October, and that prisoners were being tried by a competent court. Hall reports telegraphic communication with Santiago interrupted, and no further details received. If captured on 31st, her not being brought in until 4th November needs inquiry, and the announcement of trial by competent court seems not to have been true, and needs explanation. It is presumed that Spain will voluntarily restore the ship and tender full reparation; but until accurate report of all particulars is received, no positive demand will be made.

FISH.

No. 593.

Mr. Fish to General Sickles.

[Telegram.]

WASHINGTON, November 12, 1873.

Hall telegraphs that Havana papers of this morning published statement, apparently from official source, that the captain and thirty-six of the crew of Virginus, and sixteen others, were shot on 7th and 8th instant.

It is hoped the report of such butchery and murder may prove inaccurate. You will ask of minister confirmation or denial of the report. The alleged date is subsequent to the orders said to have been sent from Madrid forbidding any punishments.

I have telegraphed for further intelligence. If the report be confirmed, you will protest, in the name of this Government, and of civilization and humanity, against the act as brutal, barbarous, and an outrage upon the age, and will declare that this Government will demand the most ample reparation of any wrong which may have been committed upon any of its citizens or upon its flag. You are confidentially informed that grave suspicions exist as to the right of the Virginus to carry the American flag, as also with regard to her right to the American papers which she is said to have carried. Investigation is being made. You will bear this in mind in what you may say to the ministry.

FISH.

No. 594.

Mr. Fish to General Sickles.

No. 404.]

DEPARTMENT OF STATE,

Washington, November 12, 1873.

SIR: You will receive by the mail of this date a copy of the telegrams which have been sent to you with reference to the capture of the "Virginus," and also of those from you relating to the same subject, as they have been received and deciphered here.

The first intelligence was received here late in the evening of the 5th instant, from Mr. Hall, acting consul-general in Havana. I was absent from Washington the 6th, returning on the evening of the 6th. Your telegram was received announcing the instructions of the Madrid government not to inflict any penalties until the matter should have been reported there.

On the 7th the public journals announced the execution on the 4th of four persons who had been captured on the vessel, one of whom was represented to be an American, who is said to have entered the military service of the insurrectionists in Cuba, and who claimed to hold a military commission from the insurrectionary authorities, and to have been in actual military service on the island.

The execution, as it is called, of those persons was forced on with indecent and barbarous haste, and in defiance of all humanity and regard to the usages of the civilized world.

It was perpetrated in advance of the knowledge of the capture reaching Havana or Madrid, and it would seem to have been thus precipitated in cold blood and vindictiveness, to anticipate and prevent the interposition of any humane restraints upon the ferocity of the local authorities from the government at Madrid or its representative in Havana.

This is but another instance in the long catalogue of the defiance of the home government by those intrusted with authority in Cuba, and adds another page to the dark history of bloody vengeance and cruel disregard of the rules of civilized war, and of common humanity, which the military and other officials in Cuba have but too frequently made part of the history of Spain's government and of its colony.

The promptness with which the Madrid government responded to your suggestion, and forwarded instructions to the captain-general to await orders before inflicting any penalties on the passengers or crew of the *Virginus*, is accepted as evidence of their readiness to administer justice, and gives promise of the promptness with which they will condemn, and punish the hot thirst for blood and vengeance which was exhibited at Santiago de Cuba.

Condemnation, disavowal, and deprecation of the act will not be accepted by the world as sufficient to relieve the government of Spain from participation in the just responsibility for the outrage. There must be a signal mark of displeasure and a punishment to which the civilized world can point, and which other subordinate or local officials will have cause to look to as a beacon on a dangerous rock, to be forever after avoided.

You will represent this to the government at Madrid, and you will further very earnestly, but avoiding any just cause of offended sensibility, represent that the failure of some speedy and signal visitation of punishment on those engaged in this dark deed cannot fail to be regarded as approval of the act, and in view of the orders given to abstain from any punishment which the home government had passed upon them, will be regarded as admission of the inability of the government of the

peninsula to control the affairs of the island of Cuba. The omission to punish the acts of the 4th of November, in Santiago de Cuba, will be a virtual abandonment of the control of the island, and cannot be regarded otherwise than a recognition that some power more potent than that of Spain exists within that colony.

You may read what precedes to the minister, and you may say that this Government has confidence in the sincerity and good faith of the present government at Madrid, and of its desire to have executed in Cuba the promises made in Madrid.

We fear, however, that unaided, Spain has not the power to control the resistance to its authority under the attitude and profession of loyalty and support which is more formidable than the insurrection of Yara to her continued ascendancy. The rebellion and insurrection of the Casino Espagnol and its pretorian volunteers present the most formidable opposition to the authority of the peninsula.

With regard to the "Virginus," we are still without information as to the particulars of her capture. There are conflicting representations as to the precise place of capture, whether within British waters or on the high seas, and we have no information as to whether she was first sighted within Spanish waters and the chase commenced there, or whether it was altogether in neutral waters.

Mr. Hall has been requested to furnish full particulars, and a vessel of the Navy has been dispatched thither. Mr. Hall informs me that telegraphic communication between Havana and Santiago de Cuba has been interrupted.

There is also some doubt as to the right of the Virginus to carry the American flag, or of her right to the papers which she unquestionably carried. This is being investigated, and, of course, no admission of doubt as to the character of the vessel can be allowed until it become apparent that the Government cannot sustain the nationality of the vessel, while the doubt imposes on the Government the necessity of caution in ascertaining the facts before making a positive demand.

While writing this instruction, a telegram from Mr. Hall mentions that Havana papers of this morning published a statement, apparently from official sources, that the captain and thirty-six of the crew of the Virginus and sixteen others were shot on the 7th and 8th instant.

Such wholesale butchery and murder are almost incredible; it would be wholly incredible but for the bloody and vengeful deeds of which Cuba has been the theater. No government deserves to exist which can tolerate such crimes. Nature cries aloud against them. Spain will be loud and earnest in punishing them, or she will forfeit her past good name.

Your request to the government that our consul be permitted to see and to confer with American citizens who may be prisoners at Santiago de Cuba was considerate, and is approved; but it had been anticipated through the Havana consulate.

I am, &c.,

HAMILTON FISH.

No. 595.

General Sickles to Mr. Fish.

No. 815.]

UNITED STATES LEGATION IN SPAIN,
Madrid, November 12, 1873. (Received December 8.)

SIR: I have the honor to forward a copy of a note passed to the min-

ister of state yesterday, requesting that any American citizens in custody of the authorities at Santiago de Cuba be allowed all the privileges guaranteed to them by the seventh article of the treaty of 1795, and that the consul of the United States at that place be permitted to have free communication with the accused. This suggestion seemed to me proper, in view of what happened in March last in the case of the sailors of the bark Union, and your instructions in that case.

I am, &c.,

D. E. SICKLES.

[Inclosure.]

General Sickles to Mr. José de Carvajal.

LEGATION OF THE UNITED STATES OF AMERICA,
Madrid, November 11, 1873.

The undersigned presents his compliments to his excellency the minister of state, and has the honor to request that orders be sent to the authorities at Santiago de Cuba to allow the consul of the United States at that place to see and freely confer with any American citizens among the officers, passengers, and crew of the *Virginus* who may be now in custody, and that they may have accorded to them the rights and privileges stipulated and guaranteed by the seventh article of the treaty of 1795.

The undersigned finds an additional motive for this suggestion in the fact that in March last, in the case of three American sailors of the bark Union, the governor of Santiago de Cuba refused the same reasonable request when made by the United States consul, and alleged, as the ground of such refusal, that war existed in the island, and no rules could be recognized except such as prevailed in an ordinary Spanish court-martial. The undersigned, in obedience to the instructions of his Government, remonstrated against such action, and was assured by Mr. Castelar, then minister of state, that the conduct of the governor was disapproved; that, moreover, Spain did not regard the insurrection in Cuba as a war, and would not claim for herself, or desire to see accorded to either party in the contest, the rights of belligerents; and that, in conformity with these views, the government of the republic would send instructions to the captain-general of Cuba for the guidance of himself and the subordinate authorities of the island.

The undersigned avails himself, &c.,

D. E. SICKLES.

No. 596.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, *November 12, 1873.*

The *Deerhound*, an English vessel, with arms and munitions of war for Don Carlos, captured in July last off this coast, on the high seas, by a Spanish gunboat, was released, with her crew and passengers, including one or more prominent Carlists, on the demand of Great Britain.

SICKLES.

No. 597.

General Sickles to Mr. Fish.

No. 820.]

UNITED STATES LEGATION IN SPAIN,
Madrid, November 12, 1873. (Received December 8.)

SIR: The case of the *Deerhound*, of which I cabled a brief statement this morning, was not settled without considerable hesitation and delay

on the part of this government. Mr. Carvajal insisted for some time that it was a proper subject for the decision of a prize-court, and that until the judgment of that tribunal should be given no diplomatic reclamation could be entertained. This ground was not satisfactory to Great Britain. It was replied that no declaration of war had been made by Spain; that the parties to the contest had not been recognized as belligerents; that no jurisdiction over such a capture could be acquired by a prize-court in time of peace; that the act of the Spanish cruiser was a mere trespass on the high seas, from which no right of condemnation could possibly follow. Great Britain therefore urged that the matter was in the exclusive and sole cognizance of the executive authorities; and, considering that the facts of the case and the principles of public law applicable to them were indisputable and clear, the immediate release of the vessel, passengers, and crew was demanded. The Spanish government at length yielded to the arguments ably presented by Mr. MacDonell, the British chargé d'affaires, and made ample reparation.

I am, &c.,

D. E. SICKLES.

No. 598.

General Sickles to Mr. Fish.

No. 821.]

UNITED STATES LEGATION IN SPAIN,
Madrid, November 12, 1873. (Received December 8.)

SIR: Night before last I called at the executive mansion, and was received by President Castelar with his usual amiability. His excellency had scarcely welcomed me when he exclaimed "How deeply I deplore the execution of the four prisoners at Santiago de Cuba! What a misfortune that my order was not received in time to prevent such an act! It was against the law, and the only excuse offered is that a sentence of death had already been pronounced against these men."

Interrupted for a moment, the President continued: "Such scandals must cease. A conservative deputation was here this morning, and I told them frankly that we must put an end to slavery in Cuba; it brutalizes all it touches!"

I replied that so grave an offense against civilization should indeed have a great atonement, and in the abolition of slavery the cause of these barbarities would disappear.

His excellency proceeded to state, in reply to a reference to my interview with Mr. Carvajal, that, in conformity with our understanding, a series of interrogatories had been put by cable to the captain-general, the replies to which would afford the information necessary to a just appreciation of the case in any international aspect it might have. The government of the republic had every disposition to treat the matter dispassionately, and to come to a resolution in harmony with the of the nations and the friendly relations it desired to preserve with the United States.

In reply to my request for early intelligence of the action proposed to be taken, Mr. Castelar assured me that I would receive a communication from himself, or Mr. Carvajal, as soon as the answer of the captain-general could be considered by the council of ministers.

I am, &c.,

D. E. SICKLES.

No. 599.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, *November 12, 1873.*

Minister of state informed me this evening at the legation that a preliminary report had been received from Cuba, from which it appeared that the *Virginus* was seen making a landing on that coast. Pursuit began in Spanish waters, and about twenty-three miles from Jamaica the vessel was captured. It is also alleged that her papers had no consular certificate, and are otherwise irregular. Mr. Carvajal said he expected further particulars to-night, and appointed to-morrow, at four in the afternoon, for a conference with me at the state department. He also remarked that Admiral Polo's report of his interview with yourself had been read with much satisfaction. Your cable of this date received.

SICKLES.

No. 600.

General Sickles to Mr. Fish.

No. 823.]

UNITED STATES LEGATION IN SPAIN,
Madrid, November 13, 1873. (Received December 8.)

SIR: Mr. Carvajal, accompanied by the under-secretary of state, called at the legation last evening. The minister stated that a partial report had been received of the incidents attending the capture of the *Virginus*. It appeared that the vessel was seen on the coast of Cuba attempting to land her passengers and cargo; that the pursuit began in Spanish waters, and somewhere about twenty-three miles from Jamaica she was overtaken and captured. It was also alleged that the *Virginus* exhibited no papers; but this was subsequently qualified by the statement that her documents were not authenticated by the *visa* or certificate of any consul, and were, besides, irregular in other particulars; and although the report was incomplete, yet enough was known to indicate that the case would be less difficult of adjustment than was apprehended at the outset, and this was a matter for sincere congratulation. Mr. Carvajal proceeded to observe that Admiral Polo's dispatches alluded to the excitement and irritation manifested in the United States when the news of the capture was first received, which had now, however, perceptibly diminished in view of more accurate information since published. His excellency said it was gratifying to learn, through the same channel, that my reports of the friendly disposition of this government had impressed you favorably, and he had read with much satisfaction the Spanish minister's *résumé* of his conversation with yourself. Mr. Carvajal, in conclusion, invited me to a conference on this subject this afternoon at four o'clock, at the palace, when he would be prepared to make a further communication to me.

I remarked that whatever popular agitation might have been provoked in the United States by the news of the capture of the *Virginus*, it

would not influence the action of the President in a matter affecting our relations with a friendly power. In this respect the conduct of my Government might perhaps be observed with advantage by several European states I might mention. When, for example, the rebel agents Mason and Slidell were taken from the Trent, the uproar in England was reflected in the impatient action of the British cabinet, while the decision of Mr. Lincoln to reprove the act and return the men was adopted and executed in the face of a public opinion which desired a different course to be followed. Unfortunately the Spanish authorities in Cuba had hitherto failed in restraining the passions of a turbulent element in the population of the large towns, so that whenever our citizens were known to have fallen into the power of the mob at Havana or Santiago de Cuba, public opinion was justly apprehensive of their fate. I had received a further communication from you, containing additional particulars of the capture and its consequences, of which we would speak this afternoon when I should have the honor to meet his excellency at the ministry. It was, however, quite certain that no demand would be made by the President until trustworthy information was received of the whole case. Meanwhile, it would be satisfactory to know that this government had spontaneously taken such action in the matter as would facilitate a prompt solution of any question that might arise.

I am, &c.,

D. E. SICKLES.

No. 601.

General Sickles to Mr. Fish.

No. 824.]

UNITED STATES LEGATION IN SPAIN,
Madrid, November 13, 1873. (Received December 15.)

SIR: At four o'clock this afternoon, the hour appointed yesterday, I had an interview with the minister of state at his office. His excellency received me with the remark that late news from Cuba had deprived our conference of the results he had anticipated from it. Last night a report had been received from the captain-general, stating that forty-nine of the prisoners taken in the *Virginus* had been shot on the 7th and 8th instant, at Santiago de Cuba. The order of President Castelar, dispatched on the 6th, had reached Havana on the following day, too late to prevent these executions. He made this communication to me with profound regret. President Castelar had received the intelligence with deep concern. The laws passed by the Cortes not being applicable to Cuba without a special declaration therein to that effect, the authorities had followed the prescriptions of the old colonial code, and thus the humane legislation of September last, which forbid death-penalties without the approval of the Cortes in the cases of civilians, and of the executive in military sentences, had failed to become operative in Cuba. General Jovellar now held himself responsible for the due observance of this law, which had been extended to Cuba by an executive order, and it was at least certain that the slaughter had ceased.

I inquired whether his excellency could inform me how many of the victims were American citizens, to which he replied that no particulars had been received, and it was precisely that question he had put to the captain-general in a cable-message sent at two o'clock this morning.

With reference to the suggestion that a Spanish law had no force in Cuba without an express provision in the statute declaring it so applicable, I asked Mr. Carvajal whether the executive authority of Spain exercised any jurisdiction over the island, and, if so, what powers belonged to it. His excellency answered that he had merely expressed an opinion in saying the ordinary laws of the republic were inapplicable. There could be no doubt, however, that the executive jurisdiction was ample; and now that the revocation of the royal order of 1825 had deprived the captain-general of the faculty of suspending the dispositions of the supreme government, there was no reason to apprehend a repetition of the irregularities that had hitherto occurred in the administration of Cuban affairs.

I observed that in June last I had invited the attention of Mr. Castelar, then minister of state, to the ground taken by the authorities in Cuba in asserting that war existed in the island, and that no other than martial law was recognized. His excellency having replied that this government rejected any such assertion, authorizing me to convey to you the declaration that Spain did not so regard the conflict in Cuba, I begged that instructions be sent to the captain-general not to withhold from any citizen of the United States, within his jurisdiction, the protection and securities of the ordinary tribunals of justice in due course of law, as provided by the seventh article of the treaty of 1795. I was assured that such orders would be given; and so that nothing should be wanting to impress on the government of the republic the justice and the urgency of the appeal I made, I referred Mr. Castelar to a series of instances in which the authorities in Cuba had assumed to exercise powers in derogation of the rights of the United States and of their citizens. If, therefore, it should now appear that American citizens had been put to death by the Spanish authorities in Santiago, without properly acquiring jurisdiction of their persons, or without respecting the rights guaranteed to the accused in all trials for offenses charged against them, the responsibility would rest on the executive department of this government, which had been again and again admonished that the United States insisted on the fulfillment of these solemn obligations.

Mr. Carvajal said that in the present state of the question he could not proceed with the discussion. He had hoped that to-day we could at least have settled the preliminaries of an adjustment, but the intelligence now received had so modified the case as it had been considered in the council of ministers, that he must adjourn our conference until another day, of which he would notify me. Further information was needed, which he looked for hourly from Cuba.

I stated that the publication of the events of the 7th and 8th instant would produce a profound impression in the United States, and, indeed, all over the civilized world. The President could not be unmoved by incidents of such gravity occurring on our borders, and perhaps affecting our own citizens and the inviolability of our flag. He had, so far, withheld any demand, believing and expecting that Spain would spontaneously hasten to offer complete reparation for what had occurred respecting the *Virginius* and her passengers. I need scarcely intimate to his excellency that this question was acquiring from day to day more serious proportions. And in behalf of interests which I was sure he cherished no less sincerely than myself, I trusted not a moment would be lost in arriving at a resolution which I might convey to you with satisfaction.

Mr. Carvajal remarked that orders had been sent to the captain-gen-

eral in conformity with the request made in my note of the 11th instant, to which he would reply to-morrow. President Castelar was now awaiting him to resume the consideration of this subject. I should hear from him without delay, as soon as he was prepared to speak more definitely.

Before taking my leave of his excellency I pointed out that an official bulletin, published in Havana on the 5th instant, announced that the *Virginus* was captured on the 31st of October, and that the prisoners were being tried by a competent court. An interval of four days between the capture and the arrival of the ship at Santiago de Cuba was inconsistent with the statement of the captain-general that she was taken a few miles from Jamaica. It also appeared that the shooting began only a few hours after the prisoners had been delivered over to the authorities, which indicated that no trial was allowed them, and this would require explanation if the proceeding affected any citizen of the United States. If the seizure of the vessel proved unlawful it would be necessary to show how the tribunals in Cuba could acquire jurisdiction to try or punish anybody found on board an American ship on the high seas.

The minister rejoined that in cases where parties had been already tried and sentenced in their absence, it was only necessary, when subsequently in custody, that they should be identified, and this was a summary proceeding.

Upon this I stated that I had been informed by his predecessor, Mr. Martos, that according to the law of Spain such sentences were not executory when the parties demanded a hearing on the merits of the charge against them. And I had more than once, in obedience to my instructions, declared to this government that the United States would not recognize the trial and sentence of an American citizen in Cuba without the presence of the accused, as a compliance with the requirements of the seventh article of the treaty of 1795.

I am, &c.,

D. E. SICKLES.

No. 602.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 13, 1873.

Conference appointed for this afternoon adjourned by minister, because he had received at a late hour last night information from the captain-general that forty-nine of the persons on board the *Virginus* had been shot on the 7th and 8th instant. Mr. Carvajal said he communicated this report to me with profound regret. President Castelar had shown the deepest feeling in view of this intelligence. It appears the order of this government, sent on the 6th, did not reach Havana until the 7th, and could not be transmitted to Santiago in time to prevent what was done. General Jovellar says he will stop any more slaughter. Further reports called for at two this morning, and I am promised explanations as soon as they can be given. The Madrid papers of last evening and this morning announce that fifty executions had taken place.

SICKLES.

No. 603.

Mr. Fish to General Sickles.

No. 406.]

DEPARTMENT OF STATE,
Washington, November 14, 1873.

SIR: I inclose herewith a copy of a telegram sent to you this day, relating to the capture of the *Virginus*, and also of the correspondence upon the same subject which has taken place between the consul-general of the United States at Havana and the captain-general of Cuba.

I am, &c.,

HAMILTON FISH.

No. 604.

Mr. Fish to General Sickles.

[Telegram.]

WASHINGTON, November 14, 1873.

The authorities at Santiago refused to allow our vice-consul to telegraph consul at Kingston for information respecting the sailing of the *Virginus*, and which might tend to relieve the persons on board, and captain-general returned a curt refusal to consul-general at Havana, who, under instructions from this Department, interposed, in behalf of any American citizens who might have been captured, a claim to the protection guaranteed by the treaty of 1795.

I sent you two telegrams on the 12th. Did you receive both?

FISH.

No. 605.

Mr. Fish to General Sickles.

[Telegram.]

WASHINGTON, November 14, 1873.

Your telegram announcing adjournment of conference received.

Unless abundant reparation shall have been voluntarily tendered, you will demand the restoration of the *Virginus*, and the release and delivery to the United States of the persons captured on her who have not already been massacred, and that the flag of the United States be saluted in the port of Santiago, and the signal punishment of the officials who were concerned in the capture of the vessel and the execution of the passengers and crew.

In case of refusal of satisfactory reparation within twelve days from this date, you will, at the expiration of that time, close your legation, and will, together with your secretary, leave Madrid, bringing with you the archives of the legation. You may leave the printed documents, constituting the library, in charge of the legation of some friendly power, which you may select, who will consent to take charge of them.

FISH.

No. 606.

General Sickles to Mr. Fish.

No. 827.]

UNITED STATES LEGATION IN SPAIN,
Madrid, November 14, 1873. (Received December 11.)

SIR: I have the honor to forward herewith a copy of a note this day passed to the minister of state, in which, in obedience to your instruction of the twelfth instant by cable, I have protested against the summary execution of the captain and thirty-six of the crew of the *Virginus* and sixteen others by the order of the Spanish authorities at Santiago de Cuba. You were advised in my telegram of last evening that Mr. Carvajal, in our interview of yesterday, confirmed the report published in the Havana papers.

I am, &c.,

SICKLES.

[Inclosure.]

*General Sickles to Mr. José de Carvajal.*LEGATION OF THE UNITED STATES OF AMERICA,
Madrid, November 14, 1873.

The undersigned, in obedience to the orders of his Government, has the honor to invite the attention of his excellency the minister of state to the fact that the Havana papers published on the morning of the 12th instant a statement, apparently derived from official sources, that the captain and thirty-six of the crew of the *Virginus*, and sixteen other persons taken on board that vessel, were shot on the 7th and 8th of the present month, by the order and sanction of the Spanish authorities at Santiago de Cuba. The verbal communication made to the undersigned last evening by Mr. Carvajal, at the ministry of state, coinciding in substance with the information received at Washington, must be regarded as a confirmation of the report published in Havana and in Madrid on the day before yesterday. The undersigned is, therefore, directed to protest, and, in the name of his Government and of humanity, he does hereby protest against the said act of the authorities in Cuba as barbarous and brutal, and an outrage upon this epoch of civilization; and the undersigned is likewise ordered to declare to his excellency the minister of state that the Government of the United States will demand the most ample reparation of any wrong which may have been thereby committed upon any of its citizens or upon its flag.

The undersigned avails himself, &c.

D. E. SICKLES.

No. 607.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, *November 14, 1873.*

Your instruction of 12th by cable received this morning. Report of shooting confirmed by minister yesterday. Protest made.

SICKLES.

No. 608.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, *November 14, 1873.*

Your cable of 12th, beginning "An official bulletin," received early same day. The other was delivered this morning. Yours of this date received at 10.30 to-night.

SICKLES.

No. 609.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 15, 1873.

Made demand by note to-day at 3 in the afternoon.

SICKLES.

No. 610.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 15, 1873.

Received an ill-tempered note to-day from minister of state, rejecting protest, and saying Spain would, nevertheless, consider and decide question according to law and her dignity.

SICKLES.

No. 611.

Mr. Fish to General Sickles.

[Telegram.]

WASHINGTON, November 15, 1873.

Hall telegraphs this date the confirmation of report of further execution on 12th instant, and that Havana papers of yesterday published account of execution of fifty-seven other prisoners, and that only some eighteen will escape death, but that nothing official was received. You will represent this report to minister. These repeated violations of assurances of good-will and of the prohibition of murder by the authorities in Santiago increase the necessity of full and speedy reparation. There is but one alternative if denied or long deferred. If Spain cannot redress the outrages perpetrated in her name in Cuba the United States will. If Spain should regard this act of self-defense and justification, and of the vindication of long-continued wrongs, as necessitating her interference, the United States, while regretting it, cannot avoid the result. You will use this instruction cautiously and discreetly, avoiding unnecessarily exciting any proper sensibilities, and avoiding all appearance of menace; but the gravity of the case admits no doubt, and must be fairly and frankly met.

FISH.

No. 612.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 15, 1873.

Duplicate of protest cable of 12th received at 6 to-night.

SICKLES.

No. 613.

General Sickles to Mr. Fish.

No. 832.]

UNITED STATES LEGATION IN SPAIN,
Madrid, November 16, 1873. (Received December 9.)

SIR: I have the honor to forward herewith a copy of a note demanding reparation in the matter of the *Virginus*, addressed, pursuant to your instructions, to the minister of state, under date of yesterday, and placed in the hands of the sub-secretary, at the ministry, by Mr. Adee, at half-past three o'clock in the afternoon of the same day.

I am, &c.,

D. E. SICKLES.

[Inclosure.]

*General Sickles to Mr. José de Carvajal.*LEGATION OF THE UNITED STATES OF AMERICA,
Madrid, November 15, 1873.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, on the 6th of this month, in a private communication, and afterward on the 8th instant, in an official conference with Mr. Carvajal, had the honor to invite the attention of the government of Spain to the capture of the American ship *Virginus* by the Spanish armed cruiser *Tornado*, on the 31st of October last, on the high seas, and the subsequent taking of the said vessel, with her officers, crew, and passengers, to the port of Santiago de Cuba, a place within Spanish jurisdiction. The undersigned then intimated to his excellency the minister of state that the Government of the Union withheld any formal request for reparation in the case, trusting that it would seem to the government of this country becoming and proper to offer to the United States at once the most complete satisfaction in its power for this offense to their dignity and the inviolability of their flag.

More than fifteen days have passed since the *Virginus* was captured. The undersigned has waited more than eight days for a communication from his excellency the minister of state, signifying that this government was prepared to make due atonement for the wrong and injury done, and of which complaint was made as aforesaid.

Meanwhile the officials, purporting and claiming to exercise authority in Cuba, not restrained by the supreme government, have inflicted summary, cruel, and bloody punishments on the captain, officers, and crew of the *Virginus*, and on a number of her passengers, and this pending the amicable representations of the undersigned to his excellency the minister of state, having for their object the considerate and honorable adjustment of any questions involved in the capture.

The undersigned has now, in the name of the President, to demand the restoration of the *Virginus*, and the release and delivery to the United States of the persons captured in her who may yet survive; and that the flag of the United States be at the same time saluted in the port of Santiago de Cuba; and also that the Spanish government manifest, by signal punishments to be inflicted on them, its sense of the misconduct of those of its servants who were concerned in the capture of the said vessel and in the execution of the passengers and crew thereof.

The undersigned hopes to have the pleasure of communicating to his Government, without delay, a satisfactory reply to this note.

The undersigned avails himself, &c.,

D. E. SICKLES.

No. 614.

General Sickles to Mr. Fish.

No. 834.]

UNITED STATES LEGATION IN SPAIN,
Madrid, November 16, 1873. (Received December 8.)

SIR: I have the honor to forward herewith a copy and a translation of a note from the minister of state, received yesterday at two o'clock

in the morning, in reply to the protest which, in obedience to your orders, I had addressed to this government on the 14th instant, respecting the slaughter at Santiago de Cuba. You will, perhaps, deem it proper to take some notice of this offensive communication, and I therefore, in addition to the translation, send a copy of the original.

I also inclose a copy of my own reply to Mr. Carvajal, which I hope may have your approval. You will observe that I have confined my observations to a correction of such of the misapprehensions of the minister as seemed to require immediate notice.

In this relation I likewise forward for your perusal a copy and translation of a leading article in "El Imparcial" of the 14th instant. The view taken by this journal is precisely that presented by Mr. Carvajal, and one is at a loss to determine whether the minister inspired the editorial, or the editor wrote the note.

I may remark that the press of Madrid, and indeed of Spain, divides its space between denunciations of the United States, including their representative at Madrid, and praise of the authorities in Cuba for their zeal and fidelity in the discharge of their duty in all this matter of the *Virginius*.

I am, &c.,

SICKLES.

[Inclosure 2 in No. 834.—Translation.]

Mr. José de Carvajal to General Sickles.

MINISTRY OF STATE,

Madrid, November 14, 1873.

SIR: I have just received your note dated to-day, protesting, in the exercise of your office, in the name of the Government of the United States, and assuming on your own account the voice of humanity, the representation of which does not belong to you exclusively, by reason of the executions which took place in Santiago de Cuba on the 7th and 8th days of this month.

The protest having been presented in general terms, and without relation to any wrong (*agravio*) inflicted on the American Union, the government of the Spanish Republic cannot recognize your competency to make it, even as Spain would have had no such right with respect to the sanguinary acts which have happened in our own day, as well in the United States as in other nations of the old and new continents.

The protest being thus rejected with serene energy, I have to fix my attention upon the harshness of style, and upon the heated and improper words you used to qualify the conduct of the Spanish authorities. If the document subscribed by you lacks the solemnity which might be lent to it by the right to address it to me, the temperance of its form ought at least to have demonstrated that it was not dictated by passion.

I would touch lightly upon this matter if I had only to occupy myself with the sting of the insult, (*ofensa*,) but, comprehending its intent, the government cannot consent that, in anticipation of its own judgment, the representative of a foreign nation, even though friendly, should characterize the Spanish authorities in other terms than those which the government itself deems just; an interference always inadmissible, but still more strange when neither the cabinet of Washington nor this of Madrid, nor yourself, have at the present hour sufficient data upon which to ground a complaint, whether concerning the seizure of the *Virginius*, or in relation to the subsequent occurrences.

Your qualificatory terms cannot even be repeated here, for they would impair the measured tone of this communication; but you will note that, without a knowledge of the facts, it would have been at all times an act of temerity to pass judgment upon the authorities, and that until such knowledge is acquired, it befits the elevation of character you have attained, to consider those as guardians and representatives of the law, while the persons shot were rebels seeking to trample the law under foot, enemies of the country, and disturbers of the peace and of the rule of a sister republic.

Disregarding mere impressions, you should have suspended your opinions, as the government of the republic has suspended its own, for it does not wish to expose itself to the stigma of being hasty and light in such delicate and complex matters. In this attitude it will continue to remain until it acquires full certitude; and you may rest

assured that its spirit will not be altered by any kind of pressure whatever, neither will it be exasperated by your note to the extremity of forgetting what is alike due to the dignity of this country and to that respect for the laws which is above all mere expediency and national susceptibilities.

You conclude by declaring, also by order of your Government, that it will demand ample reparation for any offense committed upon American citizens or upon its flag.

It is to be regretted that you have not maintained under this point of view of problematical reality, the attitude adopted in the verbal conferences to which you make direct reference. In them you confided to the spontaneity and the cordial sentiments of the Spanish government the solution to be given to this incident, which you now, prematurely and with querulous anticipation, bring to the official arena, wherein I shall not fail to maintain steadfastly that the government of the republic is resolved that the law shall be complied with, as well in Spanish territory as in our international relations, and that no disparagement of any right will be tolerated.

I avail myself, &c.

J. DE CARVAJAL.

[Inclosure 3 in No. 834.]

General Sickles to Mr. José de Carvajal.

LEGATION OF THE UNITED STATES OF AMERICA,
Madrid, November 15, 1873.

The undersigned had the honor, at two o'clock this morning, to receive the reply of his excellency the minister of state to the written protest made by the undersigned, in behalf of his Government, against the proceedings of the authorities at Santiago de Cuba, in putting to death, in a sudden, cruel, and unusual manner, a large number of persons illegally captured on the high seas on board the American ship *Virginus*.

The communication from his excellency the minister of state will be forwarded by the next post to Washington for the consideration and action of the Government of the undersigned.

The undersigned, nevertheless, hastens to remove a misapprehension which seems to have led his excellency to suppose that the language of the protest, and especially the words used to characterize the conduct of the authorities at Santiago de Cuba, were chosen by the undersigned in the expression of his own appreciation of the acts in question. It is, indeed, quite indifferent how the undersigned may describe such events, since the civilized world will not be slow to brand, as it deserves, a violation of human and divine justice, and history will not fail to record the verdict. It may, however, be interesting to his excellency Mr. Carvajal to know that the language of the protest to which he takes exception is a precise transcript from the instructions received by the undersigned from his Government.

And if the undersigned ventures to correct another involuntary error betrayed in the reply of his excellency, it is only because in so doing something may, perhaps, be contributed to a more discriminating estimate of the question at issue between the two governments. When Mr. Carvajal asserts that this government is not in possession of sufficient information respecting the capture of the *Virginus* by a Spanish cruiser and the execution of more than fifty of the persons comprising the crew and passengers on board the vessel, it must be admitted that his authority for the statement is indisputable. But when his excellency proceeds to affirm that neither the Government of the United States nor the undersigned are sufficiently informed of the nationality of the *Virginus* or of the circumstances attending her capture and the punishments inflicted on her officers, crew, and passengers by the authorities of Santiago de Cuba to warrant a reclamation or a protest against those acts, the undersigned can do no less than point out to the minister of state that he thus assumes to speak of matters not within his cognizance and beyond his means of knowledge.

It is not, therefore, surprising that his excellency, while declaring that this government is without the necessary data to determine whether or not the Spanish naval and military authorities have acted within the line of their duty and of public and municipal law, at the same moment denounces the unfortunate victims of a cruel and sanguinary administration as criminals deserving instant death, and applauds the chief actors in the bloody tragedy.

In conclusion, the undersigned must observe that his excellency is also singularly unfortunate in misapprehending the forbearance of the Government of the United States in deferring the presentation of a formal demand for reparation in this transaction. It was not, as Mr. Carvajal seems to suppose, because the Government of the undersigned was unable to measure the atonement due to it, but rather for the reason, twice stated to his excellency, that the President wished to afford an opportunity to the government of the republic, unembarrassed by any exigency save its own sense

of duty, and moved only by a noble sentiment of justice, to make such ample reparation to a friendly power as the laws and usages of nations required.

The undersigned is grateful to his excellency the minister of state for the assurance that the law will be vindicated and maintained in Cuba. The Government of the United States has never ceased to enjoin upon the undersigned to make every appeal and omit no effort that might convince the government of Spain of the urgent need of such measures as would stop the demoralization and ameliorate the situation of that unhappy island. And if at last, under the good auspices of Mr. Carvajal, with the aid of that serenity that is unmoved by slaughter and that energy that rejects the voice of humanity, which even the humblest may utter and the most powerful cannot hush, this government is successful in restoring order and peace and liberty, where hitherto, and now, all is tumult and conflict and despotism, the fame of this achievement, not confined to Spain, will reach the continents beyond the seas and gladden the hearts of millions who believe that the New World discovered by Columbus is the home of free-men and not of slaves.

The undersigned avails himself, &c.

D. E. SICKLES.

[Inclosure 4 in No. 834.—Translation.]

Leading article in "El Imparcial" of November 14, 1873.

THE QUESTION OF THE DAY.

When so much is being said of the diplomatic complications in which Spain may become involved by reason of the late events announced to us by telegraph from Havana, it seems to us not improper to touch upon a few considerations suggested to us by the dispatches from Washington, which we found yesterday in the French press, and by that communicated to us last night by the Fabra agency.

Little or no importance has been attached to the interviews the American minister has held with the President of the executive power, and with the minister of state, during the last few days. With that good sense which marks public opinion in all countries when questions that rise above the level of mere party rivalries are under discussion, all have seen that this solicitude of the American minister was completely officious, and we do not know to what degree it reflects the views of his Government. Whatever use the Spanish authorities may make of their power, when their decisions involve persons put under their control by the laws of nationality, or the extraordinary ones of war, certainly no claim is admissible from the representative of another power—least of all if it be a friendly one, and republican, treating, as in the present case, with a nation constituted as a republic.

From this view of the case, the American representative could not attempt any interference without making what would be called in legal language an impertinent demand.

Nor could the seizure of the steamer *Virginus* serve as a pretext for a diplomatic claim, except in case of a capture not having been effected within the conditions established by generally-recognized maritime law, and for such conditions to be called in question by the United States Government it would be necessary to acknowledge that the pirate craft sailed under the protection of the stars and stripes, and with letters of marque—a supposition which can neither enter into the views of the Washington Government, nor indeed would it be lawful, unless preceded by a declaration of war. In any case, there might be a doubt as to whether or not the vessel was captured in jurisdictional waters; but granting this, the right of protest against seizure would belong not to the United States but to England, if such a seizure proved to have been made on the coast of Jamaica. But no such hypothesis can be admitted; for it is known, as has been affirmed by the press, that the capture was effected more than twenty-four miles from the Jamaica coast, and at a time when the vessel was being pursued from the shores of Cuba.

We are confident, then, that there neither does exist any diplomatic claim on the part of the United States touching this matter, nor are there any grounds for such a claim, and all that has been said of late about the affair can only be construed into officious interference on the part of the American minister, fomented, doubtless, by certain deputies anxious to trammel the government, in a spirit of patriotism which the opinion of the country even now estimates at its full value. And if there should be any doubt as to our statement of the case, it would be dispelled by a perusal of the telegrams referred to at the opening of our article.

We find in the *Journal des Debats* a dispatch from Washington, of the 8th, which says:

"Mr. Fish, convinced that the intentions of the Spanish Republic are entirely pacific, will come to no definite determination in the affair of the *Virginus* until exact information of the facts in the case shall have been received."

But lest the above dispatch should be regarded as old news, here is another received only last night :

“ Washington, 13.—The ministers have had a protracted council on the affair of the *Virginus*, captured by the Spanish war-steamer *Tornado*. They have resolved not to take any definite action until full official information is at hand.”

It is well that the minister for foreign affairs of the American Republic does not call in question the pacific intentions of the government of Spain ; but in so doing he only renders a tribute of justice to our policy, and acknowledges our perfect right to govern ourselves as we please, and, above all, to protect our territory from the schemes of wily filibusters. But it should be observed that on the 13th, the Washington Government must have had at least eight mails from Havana, with official information from their agents touching the capture of the *Virginus*, which these agents might have received as early as the 1st ; and yet the council of ministers of President Grant could come to no decision for lack of official news. At all events, it is not clear on what basis the United States can lay a claim for wounded rights or even a pretext therefor, when their agents in Cuba were unable to furnish information of the supposed outrage on the American flag after the interval of eight days ; moreover, it is not to be supposed that that Government will pretend to make any formal and admissible claim for the acts of severe justice administered in Santiago de Cuba, since, as a colleague pertinently remarks, neither Spain nor any other power has said anything official or officious to the United States for the horrid butchery of the Modoc Indians, commanded or authorized by that Government.

As far as we know, no official claim has been made for these acts, and none is likely to be made. From any nation rather than from the United States, some pretext for interference in our affairs and for trammeling the government of Spain might be expected. There, as in all countries where practical democracy is a fact, public opinion is paramount and cannot be ignored by governments. In this affair, far less than in any other related to European politics, can the Washington Government afford to act self-inspired, and thus jeopardize their popularity. It must not be concealed that the immense majority of the American people are in favor of the consolidation of the Spanish Republic, and it would not be advantageous to the Government of General Grant to oppose that popular current by involving Spain in international complications at a time like this, when our government needs all its strength to solve our internal difficulties.

Furthermore, we do not know how far the American people will complacently regard the officious zeal of their representative in Madrid and his efforts to embarrass the progress of the government, apparently seconding the schemes of the irreconcilable deputies ; for setting aside the fact that this behavior does not correspond with what the government of the Spanish Republic has a right to expect from the American people, it cannot even be justified by instructions from his Government, if the telegram of the Fabra agency be true when it says that the council of ministers which met yesterday in Washington were unable to reach a definite resolution for lack of data. Will Mr. Sickles be likely to have fuller information than his Government ? It is to be supposed that this is not the case, and therefore we attach no importance whatever to these movements of the American representative.

And while we are on the subject of relations with the United States, we are bound to address to Mr. Castelar's government a few patriotic exhortations. Spain was never in a better condition to solve the Cuban question than now. Everybody will call to mind that when we were a monarchy not a day passed but that the Washington Government, under one pretext or another, made claims on us, and not a presidential message was read in Congress but was pregnant with censure and even threats against Spain on her Cuban policy. Since the declaration of the republic in Spain, public opinion has undergone a complete change, and Mr. Castelar would do well to profit by this favorable disposition by putting forth a supreme effort to close out at once the insurrection in Cuba. No government was ever so favorably situated to realize this end ; and should it be attained now, the present government would win laurels for the republic, the only ones, perhaps, the country could justly place to its credit. We at least would not grudge it this glory ; for monarchists or partisans of whatever political doctrine, we are, first of all, Spaniards.

And we will close these lines, dashed off under the impression made on us by the latest news, with one suggestion to the government, who will pardon us on the score of the sentiment that dictates it, though it may be deemed impertinent.

Mr. Sickles holds certain personal opinions on the maintenance of the Spanish flag in America, and without doubt these find an echo in the great republic among a few fanatics, not by any means the most influential, nor, as a consequence, most esteemed, but the vast majority of the American people are more prejudiced against Mr. Sickles's opinions than against Spain.

No. 615.

General Sickles to Mr. Fish.

No. 836.]

UNITED STATES LEGATION IN SPAIN,
Madrid, November 16, 1873. (Received December 9.)

SIR: I have the honor to forward herewith a copy of a note passed to the minister of state yesterday, relating to the refusal of the authorities at Santiago to permit our consul there to telegraph to his colleague at Jamaica on the subject of the *Virginus*, and also touching the curt refusal of the captain-general of the island to comply with a request made by the consul-general at Havana, pursuant to orders from the Department of State.

I am, &c.,

D. E. SICKLES.

[Inclosure.]*General Sickles to Mr. José de Carvajal.*LEGATION OF THE UNITED STATES OF AMERICA,
Madrid, November 15, 1873.

SIR: I regret to have occasion to invite the attention of your excellency to another instance of the misconduct of the authorities at Santiago de Cuba, in refusing to allow the consul of the United States at that place the use of the telegraph for the purpose of obtaining information from his colleague, the American consul at Kingston, Jamaica, respecting the voyage of the *Virginus*, which testimony was desired for the information of his Government, and was material and pertinent to the defense of persons captured on board that vessel, and then in the custody of said authorities, charged with grave offenses.

And I have also to represent to your excellency that the consul-general of the United States at Havana, having been directed by the Secretary of State to use his good offices in obtaining for any citizens of the United States on board the *Virginus* the legal privileges and protection guaranteed to them by the treaty of October 27, 1795, communicated the instructions he had received from his Government to the captain-general, requesting the sanction and aid of that officer in the performance of the duties made obligatory on the respective governments by the treaty. To this reasonable and proper request the captain-general returned a curt refusal.

It is by such acts that the authorities in Cuba have made the government of the republic responsible before the civilized world for a course of procedure in that island in which scores of men have been put to death without heeding any of the ordinary precepts of justice recognized by all nations, and observed in Spain itself, notwithstanding the existence here of a civil war of far greater proportions than can be attributed to the conflict in Cuba.

I have on more than one occasion, in obedience to the instructions of my Government, pointed out to your excellency and to your worthy predecessors the refusal of the authorities in Cuba to afford to the consular officers of the United States proper facilities for the execution of their duties in behalf of American citizens having need of the interposition and aid of the authorized representative of their country. I have been assured again and again that orders had been transmitted to the captain-general of Cuba requiring a better observance of the rights of American citizens and of the amenities due to consuls when acting in aid of justice and supported by the faith of solemn treaties. And I shall be glad if your excellency will inform me whether my Government is to regard the recent action of the captain-general and of the commanding officer at Santiago de Cuba as consistent with the line of conduct these authorities have been instructed to adopt on occasions like those which I have now, in the performance of my duty, brought to the notice of the government of the republic.

I avail myself, &c.,

D. E. SICKLES.

No. 616.

General Sickles to Mr. Fish.

No. 839.]

UNITED STATES LEGATION IN SPAIN,
Madrid, November 16, 1873. (Received December 9.)

SIR: I have the honor to forward a copy of a note addressed to the minister of state, and placed by Mr. Adee in the hands of an officer at the ministry this afternoon at five o'clock, in which I have executed so much of your instruction dated yesterday and received this morning as seemed to me might with advantage be made the subject of an official communication at this moment. I hold in reserve for the right occasion, should it be presented, the other important intimations contained in the instruction mentioned.

I am, &c.,

D. E. SICKLES.

[Inclosure.]

*General Sickles to Mr. José de Carvajal.*LEGATION OF THE UNITED STATES OF AMERICA,
Madrid, November 16, 1873.

The undersigned regrets to have occasion to inform his excellency the minister of state that more and more executions of persons seized on board the *Virginus*, an American ship recently captured on the high seas by the Spanish cruiser *Tornado*, continue to take place at Santiago de Cuba by the action and with the sanction of the Spanish authorities. According to the intelligence received at Washington from the United States consul-general at Havana, a number of the passengers of the *Virginus* were shot on the 12th instant; it also appears, from the reports published in the Havana journals of the 14th, that fifty-seven other prisoners have been executed, and that only some eighteen out of the whole number of one hundred and sixty-five comprising the crew and passengers of that vessel may, perhaps, escape death. At the same time it is stated by the consul that no official information had been received.

The undersigned is directed to communicate this report to the minister of state. It would be extremely satisfactory if, for the information of his Government, the undersigned were authorized by Mr. Carvajal to rectify, by means of more authentic official data, the statements of the daily papers in Havana, published, it is believed, under the censorship of the authorities of that place.

And the undersigned, in obedience to the orders of his Government, must observe that if, unhappily, these reports are confirmed, such repeated violations of the assurances heretofore given to the undersigned increase the necessity of that full and speedy reparation on the part of the government of Spain which the United States ought of right to receive.

The undersigned would fail to discharge an impressive and solemn duty imposed upon him at this critical moment if he concealed the grave peril to which, in the judgment of the President, the friendly relations of the two countries may be exposed unless the undersigned is enabled without delay to convey to his Government a satisfactory reply to the reclamations he has addressed to his excellency the minister of state respecting the unjustifiable capture of the *Virginus* and the proceedings of the authorities in Cuba in killing, without trial, day after day, a score or more of persons illegally arrested on the high seas while under the American flag.

The undersigned, &c.,

D. E. SICKLES.

No. 617.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 16, 1873.

Informed minister of state officially by note of the further executions mentioned in your cable of 15th. President Castelar sent me a message by his secretary, stating that the captain-general, in a telegram of same date, denies truth of report.

SICKLES.

No. 618.

General Sickles to Mr. Fish

[Telegram.]

MADRID, November 16, 1873.

Mr. Layard informs me he has received instructions from his government concerning seventeen British subjects among the crew of the *Virginus* executed, and seven more under sentence of death, the latter all minors. Of the seventeen dead, six were executed immediately on the arrival of the *Virginus* in port. A British frigate is ordered to Santiago.

SICKLES.

No. 619.

Mr. Fish to General Sickles.

[Telegram.]

WASHINGTON, November 17, 1873.

It is important that Government be in possession of actual text of correspondence between you and Spanish ministry on subject of *Virginus*. You will therefore send by special messenger all such correspondence to London, so as to reach there and be telegraphed thence in cipher on the 25th of this month.

Anything important after your messenger leaves, which could reach here before 1st December, you will communicate by cable, unless you can secure accurate transmission to this capital by that date through some other channel.

FISH.

No. 620.

General Sickles to Mr. Fish.

No. 842.]

UNITED STATES LEGATION IN SPAIN,
Madrid, November 17, 1873. (Received December 11.)

SIR: I have the honor to forward herewith a copy and translation of a note received yesterday from Mr. Carvajal, under date of 15th instant, assuring me that the necessary orders have been sent to Cuba to permit our consul to have access to the American citizens made prisoners on the *Virginus*, and to assure to them the guarantees of the treaty of 1795, as requested in my note of the 11th instant, of which a copy accompanied my No. 815.

I am, &c.,

D. E. SICKLES.

[Inclosure.—Translation.]

Mr. José de Carvajal to General Sickles.

MINISTRY OF STATE,
Madrid, November 15, 1873.

SIR: In answer to the note you were pleased to address me under date of the 11th instant, expressing the wish that the government of the republic should give the

necessary orders to the authorities of the island of Cuba, to the end that no difficulty should be put in the way of permitting the consul of the United States to visit and confer with the American citizens who may have been found among the passengers and crew of the steamer *Virginus*, I have the honor to inform you that, immediately after becoming acquainted with the note to which I refer, the executive power hastened to send the proper orders to the aforesaid authorities of Cuba, enjoining them, besides, very particularly to be careful to extend to all the American citizens comprised among the passengers and crew of the *Virginus* such guarantees and means of defense as are allowed by our judicial procedure and are conceded by the treaty of 1795 to American citizens.

I improve this occasion, &c.,

J. DE CARVAJAL.

No. 621.

General Sickles to Mr. Fish.

No. 843.]

UNITED STATES LEGATION IN SPAIN,
Madrid, November 18, 1873. (Received December 11.)

SIR: I have the honor to forward herewith a copy and a translation of a note dated yesterday, and received to-day, from the minister of state, in reply to the communication I addressed to his excellency on the 15th instant, in compliance with your instruction dated the day before, demanding reparation for the unjustifiable capture of the *Virginus* and the punishments illegally inflicted on her officers, crew, and passengers.

I send these under cover to Mr. Moran, with the request that he will without delay cable to you the translation in cipher, and, if so ordered by you, the Spanish text in the original.

I am, &c.,

D. E. SICKLES.

P. S.—I have appointed Lieutenant-Commander Kennett, of the Navy, a special bearer of dispatches for this purpose, deeming the occasion a proper one for the exercise of this discretion, and have advanced to him \$100 in gold for his expenses, of which a due account will be rendered.

D. E. S.

[Inclosure.—Translation.]

Mr. José de Carvajal to General Sickles.

MINISTRY OF STATE,
Madrid, November 17, 1873.

SIR: Your communication, dated yesterday, demanding satisfaction in favor of the United States, which you worthily represent, for the capture of the steamer *Virginus* and the executions which have taken place at Santiago de Cuba, contains certain deficient or erroneous preliminaries which it is proper to set right in all their integrity, so that due appreciation may be had of the attitude of the Spanish government from the time those occurrences came to its notice.

On the 6th instant the capture of the vessel was known in Madrid; and at once (*en el acto*) the government sent a telegram to his excellency the captain-general of Cuba, enjoining that no sentence of death should be carried into execution without the approval of the said government.

This order implied no doubt concerning the justice of the proceeding and the punishment; it was the expression of the desire which animated the executive power to examine whether in any of those extreme cases it was possible to harmonize with the action of the law and with public safety the exercise of clemency, which prerogative is usually delegated by our colonial legislation to the captain-general.

The spontaneousness of this step, anterior to any action, and even to any knowledge

of the matter as far as you were concerned, was recognized by the Government of the United States and by yourself, as I had the honor to hear from your own lips on the 8th instant, in the conference which you call official, and which was held after you and this government had received information of the shootings of the 4th, which unfortunately took place two days before the said telegram, and of which the news did not reach Madrid until the day succeeding the dispatch of the same.

You certainly declared in that conference that your Government did not take the initiative in any reclamation, and awaited until that of the Spanish Republic, animated by the cordiality of the relations which exist between the two nations and by elevated sentiments of justice, should come to a decision respecting any wrong which may have been committed against the citizens or the flag of the United States; and certainly I stated unreservedly, but without prejudice to any point of fact or of right, that the Spanish government, by its own dignity, by the estimation in which it holds the friendship of the American people, and by the respect it owes to special treaties and the rules universally admitted among cultured nations, would not await the presentation of any justified complaint, but rather, had those compacts or international laws been violated, it would declare the fact, loyally and frankly, for right and honor are never to be crushed down, nor is reason to be subordinate to dignity; but it is likewise certain that you agreed with me that the Spanish government, which only knew the facts generally, in order to appreciate the international question, the only one which might have authorized your intervention, needed to acquire a certitude as to the events and details both of the seizure and of the subsequent acts; an agreement which meant neither more nor less than that the *Virginus* might be seized and her crew and passengers condemned by Spanish tribunals (these being the facts then known) without any violation of international laws or treaties, and that, on the part of the American Government and on your own, there only existed a presumption that those occurrences were surrounded by circumstances capable of inflicting injury on the persons or on the dignity of your flag, by reason of not being in conformity with the proceedings of the said laws and treaties; an evident sign that you ought not to have cherished the confidence, to which you refer in the first paragraph of your note, that forthwith there would be given to the Government you represent complete reparation for the offense committed against its dignity and the inviolability of its flag.

You may have nursed this mental confidence, which was never expressed, because you had a conviction that the Spanish government did not, and does not yet, share therein; but I appeal to your loyalty to establish as the bases of these negotiations, that, in the name of the executive power on my part and in that of your Government on yours, we agree to postpone all discussion until we had a knowledge of the facts which might give rise to a debate, and until you were informed of the solution which would be spontaneously offered by the government of the Spanish Republic.

You omit to mention the second conversation we had on the 13th, and to which I have to refer, without being aware whether you consider it official or no, because I am endeavoring to re-establish the truth of the preliminaries, and the Government of the republic neither objects to giving that character to all the antecedents of this matter, nor will it permit outside judgment to exercise the right of conceding or denying it.

In this fresh conference you know what public opinion had already proclaimed—the act of justice performed on other prisoners of the steamer *Virginus* on the 7th and 8th, and the assurance possessed by the executive power, in the midst of the regret which is ever occasioned by the action of the law in this degree, even though justified by melancholy social exigencies, that its telegram of the 6th had not arrived in time to prevent the fulfillment of the sentences, and that it would suspend the execution of any other that might be pronounced. You neither added to nor took away from your declaration of the 8th, and I reiterated mine, and we parted in the same assurances, continuing the question on the same bases established in the preceding conference.

In this situation of affairs, twenty-four hours afterward, I received from you the communication to which I now reply, in which, in the name of the President of the United States, you demand the restoration of the *Virginus*, the release and delivery of the surviving prisoners, and the salute, at the same time, of the American flag in the port of Santiago de Cuba, and an exemplary punishment of the authorities concerned in the capture and in the executions.

This demand is not in accordance with the antecedents and the attitude which we had agreed in establishing, and which were ratified (confirmed) the previous day. As the mere seizure of the *Virginus*, and the subjection of her crew and passengers to the Spanish tribunals, did not constitute an offense against the Government of the United States, this offense must be sought in the procedure and accessory circumstances, of which the executive power is yet ignorant.

This change of conduct and the demand of the Government of the United States cannot be interpreted in any other sense than that, for its part, it has acquired this knowledge, and considers that the capture and the subsequent occurrences are vitiated by reason of having failed to conform to the stipulations (of the treaty) or to international law.

The Government of the United States knew the disposition of the Spanish government at that time, and the sentiments by which it was animated. It appeared natural that, on the first of the governments deciding to hasten the solution and to terminate the period of delay agreed upon, it should have pointed out to the second these vitiations and informalities, under the faith of which the violation, being proven, would have been condemned; and this procedure seemed more proper, in view of the bonds which unite the two republics, than to demand, without ground of right and in an imperious manner, a reparation whose harsh and even humiliating terms could only have been justified by great wrongs and a continued repugnance to satisfy them. The national decorum cannot tolerate the supposition that any other nation, and least of all the United States, linked since their origin by such happy ties with Spain, should confound us with the nations who submit to this kind of compulsion.

Prudence counsels both governments to suspend judgment. That the United States do not possess at the present time a legal competency to peremptorily demand a reparation, is evident in many ways; but it is sufficient to say that another power has presented, in a suitable manner, analogous reclamations, arising from the same affair, the grounds of which remain to be investigated; and if it were necessary to show the confusion which still reigns upon the essential facts of the seizure, we could take as an example that, while you take it for granted (patent) that the *Virginus* was a regularly-documented American ship, his excellency the captain-general of the island of Cuba asserts the contrary.

You will observe, moreover, that only ten days have elapsed since we knew of the capture of the *Virginus*, and three since the executions of the 7th and 8th came to our knowledge and we held our last interview.

The great distance, the scanty (or difficult) telegraphic communication, and the necessity of obtaining clear and precise data upon an affair complex and minute in itself, combine to prevent the government of Spain from being to-day in condition to say a word on the merits of this question, it being remarkable that the United States should so suddenly overstep the bounds marked out, and, in spite of its previous assent, now demand an arbitrary reparation, arbitrary, at least, at the present moment.

Spain, in reply, limits herself to repeating her former declarations:

1st. She will decide upon nothing to relieve the flag of the United States from an offense till she is certain that the offense exists.

2d. As the offense cannot exist except in the violation of the treaties and of international law, she again declares, as much for the sake of quieting foreign dignity as for the relief of her own conscience, that if such a violation exists by reason of the seizure of the *Virginus*, or by reason of the subsequent acts, whether her conviction of such violation be acquired by her own initiative or by a specific statement made by the Government of the United States, she will be glad to repair the wrong according to its just importance, thus proving that the reign of law, be its judgments favorable or adverse, is the first essential to national honor, and that the observance of the law, and not the obstinacy born of a false idea of pride, gives the right to assume a place in the senate of cultured nations.

I avail myself, &c.,

J. DE CARVAJAL.

No. 622.

General Sickles to Mr. Fish.

No. 844.]

UNITED STATES LEGATION IN SPAIN,
Madrid, November 18, 1873. (Received December 11.)

SIR: I have the honor to forward herewith a copy and a translation of a note received to-day from the minister of state, in reply to mine of the 16th instant, in which I invited his attention to the reports published in the Havana papers of the 14th, from which it appears that more of the persons captured on board the *Virginus* had been shot, leaving only some eighteen survivors of the whole number taken. These statements receive, as you will observe, a vague denial, which is weakened by the consideration that such reports, in relation to a matter so conspicuous and of so much importance, if erroneous, could not have escaped the very rigid censorship of the press at Havana.

The remainder of the note seems to be an amplification of the minister's

reply to our demand for reparation, in which he assumes that the Government of the United States is as ignorant of the facts of the case as his excellency professes himself to be.

I am, &c.,

D. E. SICKLES.

[Inclosure.—Translation.]

Mr. José de Carvajal to General Sickles.

MINISTRY OF STATE,
Madrid, November 18, 1873.

SIR: I have received your communication, dated the 16th, which has for its principal object to state that, according to information received in Washington, having reference to the newspapers of Havana, of which the consul-general of the United States gives intelligence to his Government, fresh shootings had taken place on the 12th instant at Santiago de Cuba, the number of which ascended to forty-seven, there remaining alive only some eighteen of the persons captured on board of the *Virginus*.

I have the satisfaction to state to you that this fact is not accurate, and that, on the contrary, the government of the Spanish Republic holds assurances that as soon as the captain-general of the island could compass the arrival at Santiago of the orders which were sent to him on the 6th, the execution of the sentences of death was suspended.

This want of agreement between the information received by the Government of Washington and by that of Madrid will prove to you how fully our attitude is justified, and how high a confirmation the United States would give of their wisdom and prudence in awaiting a full clearing-up of the facts in order to know if an offense has been committed, the extent of its importance, upon which side it is found, which party should hasten to make reparation, and the nature of the reparation.

If in so grave and conspicuous a matter as the shooting of forty-five men such grave errors occur and such doubts arise, how can there not be grounds for feeling these doubts and dreading those errors in questions of greater delicacy, the investigation of which is more difficult, and which demand a special knowledge of the circumstances?

It cannot be said that the point has been sufficiently discussed, and that an undoubted conclusion has been attained, making an act of satisfaction to the American flag a palpable act of justice, whilst it is yet unknown if this flag waved rightfully above the captured vessel, or to a certainty the point where the chase began, the place where the seizure was effected, the authenticity of the vessel's papers, whether she was surprised in the act of disembarkation, and other circumstances indispensable, as general conditions, to determine the existence of the offense and to characterize it.

One fact alone is definitely known, and is admitted by all the world. The *Virginus*, which has already obtained a lamentable reputation in the Cuban struggles, had been equipped in order to aid the insurrection, in the territory of a friendly nation; she had been laden with arms and munitions, and the most prominent rebels were on board of her.

I improve this opportunity, &c.,

J. DE CARVAJAL

No. 623.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 18, 1873.

Minister of state informs me, in note of this date, that the reports mentioned in your cable of 15th are not confirmed, and that, on the contrary, as soon as the captain-general could transmit to Santiago the orders sent by this government on the 6th, the executions were suspended.

SICKLES.

No. 624.

General Sickles to Mr. Fish.

[[Telegram.]]

MADRID, November 18, 1873.

Correspondence with this government about Virginus forwarded by special messenger to Paris last Sunday night. Have ordered Stevens to turn over dispatches to London legation, for transmission in cipher.

SICKLES.

No. 625.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 18, 1873.

Minister of state replies to-day, under date of 17th, to my note of 15th, making demand in terms of your cable of 14th.

After an inaccurate statement of our negotiations, minister, in reply to the demand, declares—

First. That Spain will take no resolution until she is satisfied an offense has been committed against the flag of the United States.

Second. If it shall hereafter appear that, in violation of treaties or of the law of nations, an injury has been done, Spain will cheerfully make due reparation.

Regarding this as a refusal within the sense of your instruction, I propose, unless otherwise ordered, to close this legation forthwith, and leave Madrid, embarking at Valencia for France, taking the secretary and archives with me.

SICKLES.

No. 626.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 18, 1873.

Will send to-morrow to London legation translation of reply to demand for reparation, to be cabled in full. Will also send Spanish text, which will not be cabled without your orders.

The reply is an invitation to enter upon a discussion of the questions involved, for which this government will be prepared as soon as it obtains a knowledge of the facts. Complaint is made that our demand is not supported by proofs and argument. The demand is characterized as without foundation, imperious, arbitrary, compulsory, and humiliating. And it is contended that the United States are not, in the present condition of the case, legally competent to present a peremptory reclamation.

In my cable of this morning I gave you the substance of the two enu-

merated declarations with which the note concludes. I now repeat them:

First. Spain will come to no decision until satisfied an offense has been committed.

Second. When so convinced through her own sources of information, or by the showing of the United States, due reparation will be made.

SICKLES.

No. 627.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 18, 1873.

If my departure forthwith is approved, please cause orders to be cabled to Admiral Case, at Nice, to come to Valencia at once and convey me and my family to a port in France.

SICKLES.

No. 628.

General Sickles to Mr. Fish.

No. 846.]

UNITED STATES LEGATION IN SPAIN,
Madrid, November 19, 1873. (Received December 11.)

SIR: I have the honor to forward herewith a copy and translation of a note, dated yesterday and received to-day, from Mr. Carvajal, in reply to my answer to his note of the 14th, rejecting the protest made against the inhumanities practiced at Santiago de Cuba.

I am, &c.,

D. E. SICKLES.

[Inclosure.—Translation.]

Mr. José de Carvajal to General Sickles.

MINISTRY OF STATE,
Madrid, November 18, 1873.

SIR: You having presented, under date of the 15th, the same day on which you also answered my reply of the 14th to your protest of the same date, reclamations based upon the seizure of the *Virginus* and the shooting of a certain number of her crew and passengers, the correspondence in relation to the protest might be considered terminated and merged in the correspondence upon the reclamation, did not the truth of the facts and a just appreciation of the conduct of the Spanish government make it fitting to call your attention to the unfounded supposition you advanced, that I "applaud the chief actors in the bloody tragedy," (I presume this means the Cuban authorities,) and that I denounce "the unfortunate victims of a cruel and sanguinary administration" (I presume this refers to the prisoners shot) "as criminals deserving instant death."

I need to render evident the inexactitude of these appreciations. In the note to which you reply there was not an idea or a word which could have made such appreciations valid, and my opinion remains the same as before, that until the facts are obtained to give a new phase to the question it is more proper to have confidence in the authorities than to censure them, and still less denounce them for the sentences they have authorized to be executed.

As to the applause, it would be characteristic of hot-headed persons and not of the executive power, which keeps within the limits of a prudent and polite reserve; and

as to whether the delinquents deserved the penalty they suffered, when the law speaks the government should be silent, and this government should not admit a doubt that the application of the law has been just, although rigorous, as long as it is ignorant of the character of the crime in each case, the details of the proceedings, and the relation between the crime and the punishment.

Your attribution to me of opinions I could not have ventured to put forth, not only involves a suggestion that the proceedings may have been irregular, but it also tends to disculpate the captured persons from all criminality, whereas in every way, and from every point of view, those who rise in arms against a regularly-constituted government and foment insurrection in its territory are criminals, whose delinquency is not diminished by the legitimate and elevated sentiments excited by their misfortune.

I improve this occasion, &c.,

J. DE CARVAJAL.

No. 629.

General Sickles to Mr. Fish.

No. 847.]

UNITED STATES LEGATION IN SPAIN,
Madrid, November 19, 1873. (Received December 15.)

SIR: I have the honor to forward herewith, for the completion of the series of communications passed between Mr. Carvajal and myself in the affair of the *Virginus*, a copy of the private note to the minister, written at the foreign office on the afternoon of the 6th instant, and referred to in my dispatch No. 804.

I am, &c.,

D. E. SICKLES.

[Inclosure in No. 847.]

General Sickles to Mr. José de Carvajal.

Private.]

MADRID, November 6, 1873.

DEAR MR. CARVAJAL: Having read in the Gazette of this morning the announcement of the capture of the *Virginus* some six miles off the coast of Jamaica, I have thought it proper to inform you that a question recently occurred in regard to a vessel of that name lying in the harbor of Aspinwall, and upon consideration it was held by my Government that she was a regularly documented American ship. In view of the fact that this capture seems to have been made on the high seas, and of the probability that the vessel may belong to the mercantile marine of the United States, I beg to suggest, in advance of any information or orders from my Government on the subject, that it might be well to direct the authorities in Cuba to abstain from any further proceedings respecting the ship or any persons captured with her until the orders of this government may be communicated to the captain-general. I make this suggestion in the interest of the friendly relations between the two countries, and in order to avoid any possible complications in the disposition of the case, should it prove to be one in which my Government may have occasion to send me instructions.

Regretting that I have not the pleasure to meet you in your office, and especially that you are detained from the ministry by indisposition,

I remain, &c.,

D. E. SICKLES.

No. 630.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 19, 1873.

Sent you three dispatches by cable yesterday. No reply received. I wait instructions.

SICKLES.

No. 631.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 19, 1873.

Popular feeling runs high here against United States and this legation. Press violent and abusive, advising government to order me out of Spain. Last night a mob was collected to attack and sack the legation. The authorities interfered and preserved the peace.

SICKLES.

No. 632.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 19, 1873.

Spain asked the good offices of England. Lord Granville declined, unless on the basis of ample reparation made to the United States.

SICKLES.

No. 633.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 19, 1873.

Madrid papers this evening announce as by authority that the question of the *Virginus* is postponed by agreement with the United States until Congress meets.

SICKLES.

No. 634.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 19, 1873.

Correspondence sent to London on the 16th is due there to-morrow. It includes several telegrams which you may desire to have repeated; also the Spanish text of the reply to our protest, which I hope you will order cabled in the original, as it will best show the temper of this government.

SICKLES.

No. 635.

Mr. Fish to General Sickles.

[Telegram.]

WASHINGTON, November 19, 1873.

Your telegrams of last evening received. An instruction will be sent immediately.

FISH.

No. 636.

Mr. Fish to General Sickles.

[Telegram.]

WASHINGTON, November 19, 1873.

Consul at Havana telegraphs that the report of further executions communicated by him and mentioned in my telegram of 15th is officially contradicted, and that until 13th the total number of executions was fifty-three, thus confirming minister's statement in note to you.

Last evening Spanish minister communicated to me, by direction of his government, a telegram of yesterday's date, declaring the resolution of his government to abide by the principles of justice and to observe international law, to comply with the letter of treaties and to punish all those who shall have made themselves liable to punishment regardless of their station, and to make reparation if right should require it, urging at the same time that a knowledge of facts is necessary to proceed with the judgment required by the gravity of the case, and that the news which had reached them, like that received here, must be confused.

The telegram to the Spanish minister is subsequent in date to the minister's note of 17th to you, and may be regarded as a reconsideration or later decision of the government. Appreciating this fact, and determined to continue to be right in the position he has assumed, the President holds that the demand for a proper length of time to learn the exact state of the facts is reasonable. In view of this request you will defer your immediate departure from Madrid, and await further instructions.

FISH.

No. 637.

Mr. Fish to General Sickles.

[Telegram.]

WASHINGTON, November 20, 1873.

Instruction sent yesterday by cable authorizes you to defer closing legation in order to allow a reasonable time to Spanish government to ascertain facts in response to their request through minister here, presented on 18th instant. No other postponement has been agreed to, and minister was informed that a satisfactory settlement would be expected by 26th.

FISH.

No. 638.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 20, 1873.

Have received rejoinder of minister to my reply to his note in answer to our protest. Neither this nor either of the three communications in writing so far received contains any expression of regret or disapproval of the capture or the slaughter at Santiago. The press approves the whole business, and denies that any censure or regret has been expressed by this government. The ministerial journals acquiesce.

SICKLES.

No. 639.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 20, 1873.

If permitted to offer a suggestion with reference to your instruction of the 19th, I would remark that the tone, temper, and substance of the written communications made to me by the minister of state are very different from the apparent purport of the telegram sent to the Spanish minister in Washington and communicated to you. The refusal to say a word about the merits of the case, in a reply to a demand repelled as arbitrary, inadmissible, and humiliating, was announced to me here on the same day that different professions were made to you. Mr. Carvajal's notes to me are exhibited here as showing the real position of this government. They are offensive in form and unsatisfactory in substance. If we hesitate, it will be asserted and believed in Spain and Cuba that we pause before the defiant attitude assumed by this government and people. This boast will be supported by the official and formal declarations of this cabinet in reply to communications I have made to it, in obedience to your instructions. Misapprehending our forbearance, Spain would abuse any success obtained by duplicity and delay, and show herself more than ever arrogant and regardless of our rights and dignity.

On the other hand, any concession now obtained at Washington will appear to corroborate the intimation made here in high quarters and generally believed, that my action in the matter of the *Virginius* has not been in conformity with the instructions I have received and is not approved by my government. I have the best reasons for the opinion that my prompt withdrawal from Madrid in default of the reparation the President has directed me to demand will convince Spain we are in earnest, and she will yield to our terms and peace may be honorably preserved. The fact that Spain holds one attitude here and presents another in Washington on the same day would seem to impeach her sincerity, and this dissimulation I am sure is due to the fear of a diplomatic rupture or something worse. This cabinet have already obtained all the information they will ever get from Cuba about this transaction.

The Italian government has kindly consented to allow Count Maffei, chargé d'affaires of Italy in Madrid, to take care of American interests here, and accept the custody of the library and property of this legation, on application being made, by your authority, through our minister in Rome. I hope you will make the request, and that this courtesy may be duly acknowledged.

SICKLES.

No. 640.

Mr. Fish to General Sickles.

[Telegram.]

WASHINGTON, November 21, 1873.

Your telegram, suggesting a possible difference of attitude on the part of Spain in Madrid, and here, which you think calls for your withdrawal from Madrid, and asking a request to the Italian government to authorize its representative to take care of our library at Madrid, has been laid before the President, who decides that public interests require that you should remain at your post until expiration of time heretofore named, or until further orders. If a difference exists, as you suggest, the President feels it his duty to take into consideration the representations made at Washington, which approach most nearly to compliance with our just demands, and he depends upon you to co-operate with our efforts to induce Spain to make such concessions as may avert a rupture between the two republics, without questioning the sincerity of the Madrid cabinet. It will not be possible to send a vessel to Valencia.

FISH.

No. 641.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 21, 1873.

Constant efforts are made by this cabinet to conciliate England. Castelar is every day at the British legation. The press has received an official hint to contrast the moderation of England with our impatience. I suspect overtures have been made also to Germany for her good offices.

SICKLES.

No. 642.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 21, 1873.

Your instruction of 20th received. In accordance therewith, I propose to defer any reply to Mr. Carvajal's note of the 17th until the 26th, unless otherwise ordered.

SICKLES.

No. 643.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 23, 1873.

Your instruction of this date received.

Have cabled to Schenck an unofficial note I wrote minister on the 6th. It will be repeated to you from London. I cannot but feel you will attach some importance to the timely and considerate intimation then conveyed in the most friendly manner to this government.

SICKLES.

No. 644.

Mr. Fish to General Sickles.

[Telegram.]

WASHINGTON, November 23, 1873.

Have telegraphed to Rome for authority to Italian minister to take custody of library and property.

Spanish government, through minister here, proposed arbitration, which has been declined on the ground that the question is not one for arbitration, the subject being one of national honor, of which the nation must be the judge and custodian.

FISH.

No. 645.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 24, 1873.

If you send order to leave, please instruct me whether I am to reply to Mr. Carvajal's notes of the 17th and 18th, or make any other communication to this government besides the announcement of my departure. Impression general in Madrid that this matter is settled.

SICKLES.

No. 646.

Mr. Fish to General Sickles.

[Telegram.]

DEPARTMENT OF STATE,

Washington, November 25, 1873.

If upon the close of to-morrow no accommodation shall have been reached in the case of the *Virginus*, you will address to the foreign office a note expressing regret at the delay of the reparation asked for,

and stating that, in conformity with instructions from your Government, you were under the necessity of withdrawing from Madrid, for which purpose you request the usual passport for yourself, your family, and *suite*.

If, however, the accommodation desired should be brought about in the course of to-morrow, either here or in Madrid, you will, until otherwise directed, abstain from addressing the note adverted to.

Should a proposition be submitted to you to-morrow, you will refer it here, and defer action until it be decided upon.

A telegram has just now been read to me by Admiral Polo, which gives reason to hope for a satisfactory accommodation.

You will, therefore, allow the whole of to-morrow to pass before addressing your note.

FISH.

No. 647.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 25, 1873.

Layard says Granville has expressed his sense of the justice and moderation of the reparation we have demanded, and this has been communicated to Castelar. England reserves her reclamation for the present, and endeavors to promote a settlement of the question pending between the United States and Spain.

SICKLES.

No. 648.

General Sickles to Mr. Fish.

No. 875.]

UNITED STATES LEGATION IN SPAIN,
Madrid, November 26, 1873. (Received December 23.)

SIR: I have the honor to forward herewith a copy of a note of this date, which, in compliance with your previous instructions, I addressed to the minister of state, asking for my passports. It was placed in the hands of the minister at the palace this afternoon, a few minutes after 2 o'clock, by the secretary of legation, Mr. Adee.

Mr. Carvajal stated that a communication had been made to me of this date, and desired to know whether it had reached me before my note was sent to him. Mr. Adee replied that up to the moment when he left the legation nothing had been received from his excellency.

Subsequently I informed the minister that, in view of his communication, which was delivered at the legation at half-past 2 p. m., he might defer any reply to my request until it should be renewed, if, unhappily, the negotiation now resumed on fresh bases failed, and I should be constrained again to take the same step.

Your latest instruction on this point, dated yesterday, was not received here until half-past 4 this afternoon.

I am, sir, &c.,

D. E. SICKLES.

[Inclosure in No. 875.]

General Sickles to Mr. José de Carvajal.

MADRID, November 26, 1873.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, reserving to his Government such observations as it may see fit to make on the several communications addressed to the undersigned by his excellency the minister of state respecting the matter of the *Virginus* and the penalties inflicted on her crew and passengers, is instructed to terminate his mission and leave Spain, taking with him the archives of this legation. The undersigned has, therefore, to request that his excellency the minister of state will kindly grant him the usual safe-conduct to the Spanish frontier for himself and the secretary of legation, including the household and effects of the undersigned.

The undersigned avails, &c.,

D. E. SICKLES.

No. 649.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 26, 1873.

At 2 this morning I have a message from President Castelar that a note will be sent to me to-day recognizing the principles on which our demand is based, and promising to make the reparation we require on or before the 25th of December, if the facts elicited by the investigation now being made by this government show that the *Virginus* was a regularly-documented American ship.

In reply I expressed my apprehension that the proposed delay would not be acceptable, and suggested that this government should receive our declaration of the nationality of the ship and make the reparation immediately. Nevertheless, I said that on receipt of such a communication to-day I would inform you of it, and assume the responsibility of deferring my departure until the further orders of the President.

My belief is that the real object of this overture is to gain time to strengthen the Spanish fleet in the Gulf of Mexico and send troops to Cuba, and that at last some pretext will be found to evade the reparation. The fall of Carthagená, which is daily looked for, is expected to liberate the home squadron and the besieging army.

SICKLES.

No. 650.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 26, 1873.

Your instruction of 25th received at 4.30 this afternoon.

I have informed minister that this proposition has been communicated to you by cable, and that he is at liberty to defer a reply to my request for passports until I renew it.

SICKLES.

No. 651.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 26, 1873.

At half-past 2 this afternoon, half an hour after I had asked for my passports, I received a note, dated to-day, from minister of state, in which he says :

First. If it appear, on or before the 25th of December next, that the *Virginus* rightfully carried the American flag and that her documents were regular, Spain will declare the seizure illegal, salute the flag as requested, and return the ship with the surviving passengers and crew.

Second. If it be proved that the authorities of Santiago de Cuba, in their proceedings and sentences pronounced against foreigners, have essentially infringed Spanish legislation or treaties, this government will arraign those authorities before competent tribunals.

Third. Any other reclamations growing out of the affair which either of the respective governments may have to present will be considered diplomatically, and, if no agreement be reached, they will be submitted to the arbitration of a third power, named by mutual consent.

Fourth. If the 25th day of December shall have expired without the Spanish government having resolved, in so far as comes within its province, the questions arising out of the demand for reparation, it will hold itself bound to accord such reparation the same as if the right of the United States to require it were recognized, and such reparation will be given in the form specified in the first and second paragraphs.

SICKLES.

No. 652.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 26, 1873.

After a careful perusal of the note of this date, I have to suggest that it means substantially that if the authorities in Cuba cannot, within thirty days, furnish some allegation on which a debatable issue can be made respecting the papers of the *Virginus*, this government will order them to release the ship and prisoners and deprive them of their employments. It will also be observed that no purpose is indicated to punish the officer responsible for the capture, and that the authorities at Santiago may be arraigned before a Cuban tribunal, whose decision would be final.

SICKLES.

No. 653.

General Sickles to Mr. Fish.

No. 878.]

UNITED STATES LEGATION IN SPAIN,
Madrid, November 27, 1873. (Received Dec. 23.)

SIR: I have the honor to forward herewith a translation of the note received yesterday from the minister of state, of which the original

went forward last night with my No. 876. A full summary of Mr. Carvajal's four propositions for an adjustment of the *Virginus* issue was telegraphed to you yesterday.

I am, &c.,

D. E. SICKLES.

[Inclosure in No. 878.—Translation.]

Mr. José de Carvajal to General Sickles.

MINISTRY OF STATE,

Madrid, November 26, 1873.

SIR: The undersigned, minister of state and member of the executive power of the Spanish Republic, has the honor to state to General Sickles, minister plenipotentiary and envoy extraordinary of the republic of the United States of America, that it alike befits the loyalty of the relations happily existing between these two nations, and the importance the question of the *Virginus* has acquired in official circles and in public opinion, to declare that, although the Spanish government has not attained, within the brief space of ten days that has elapsed since the note of the 15th, in which was formulated the demand for reparation preferred by the American Government, that full certitude of the injuries inflicted which the dignity of both governments requires in order that the extent of the reparation be proportionate to the wrongs committed, or even to permit of the existence of such wrongs being made manifest, it already possesses sufficient data for the hypothetical determination of the satisfaction it deems just, in the cases of injuries in which representations have been recently made by the friendly republic, and, at the same time, to give public testimony that it has no desire to indefinitely postpone an act which, being one of justice, and based on a violation of the international laws that unite and shelter all nations, is of interest also to Spain, so frequently injured by the want of observance of that law to which she must also turn in moments like the present in order that she may regain her integrity of action, and to the provisions of which she would at heart feel ill-fitted to appeal had she beforehand infringed or evaded them.

When you were informed, both verbally and in writing, that the government was not prepared to redress wrongs of the commission and importance of which it was not first convinced, but that at the same time it held the firm resolution to give satisfaction for them, in accordance with the duties imposed upon it by universal law or particular treaties, it was not my intention to give indefinite range to an affair the prompt settlement of which was important to all; neither did I even suspect that you or your Government entertained such a doubt. The proof of our sincerity is that to-day, having already a fuller knowledge of the matter, and the assurance that it will be completely known within a short time, we come of our own accord to say to the Government of the republic of the United States that before the 25th of next December we shall have made clearly evident the right that is on our side, or, with the same spontaneousness, we shall have recognized its right to demand a reparation on the following bases, with the understanding that if we can do so sooner, the national good faith stands pledged that we shall not retard the immediate fulfillment of our promises.

First. If it be proved that the *Virginus* rightfully carried the American flag, and that her papers were in regular form, we shall declare her seizure illegal, salute the American flag in the manner desired, and return the *Virginus* with the surviving crew and passengers.

Second. If it be proved that in the proceedings or sentences pronounced against foreigners by the authorities of Santiago de Cuba there has been an essential failure to comply with the provisions of our legislation or of treaties, the government will arraign those authorities before the competent tribunals.

Third. Any other reclamations which may be preferred in the same matter by either of the two governments shall be considered diplomatically, and if an agreement be not reached, they shall be submitted for judgment to a third, named by mutual consent.

Fourth. If the 25th day of December expire without the Spanish government having, for its part and in so far as may be within its province, resolved the question raised by the demand for reparation, it will thereupon, and does now beforehand, consider itself bound to grant reparation the same as if it had recognized the right of the Government of the United States to exact it, and such reparation will be given in the form prescribed in the first and second bases.

These purposes are in perfect harmony with those which from the first have been exhibited in the course followed by the executive power, and I am confident that, being frankly expressed and cordially accepted, they will suffice to banish all disquietude and susceptibilities, leaving the dignity of the two republics unimpaired, and strengthening the bonds that unite them.

I avail myself, &c.,

J. DE CARVAJAL.

No. 654.

General Sickles to Mr. Fish.

No. 886.]

UNITED STATES LEGATION IN SPAIN,
Madrid, November 27, 1873. (Received Dec. 23.)

SIR: I have the honor to forward herewith a translation of a private note from Mr. Carvajal at a late hour last night, and a copy of my reply thereto, in relation to the suspension of official action on my request for my passports.

I am, &c.,

D. E. SICKLES.

[Inclosure 1 in No. 886.—Translation.]

Mr. José de Carvajal to General Sickles.

Private.]

MINISTRY OF STATE, PRIVATE CABINET,
November 26, 1873.

MY DEAR GENERAL: A common friend has given me to understand that the note I sent you this morning at an early hour had not reached your hands when at 2 o'clock in the afternoon you sent me yours asking your passports, and that it would be agreeable to you if action were not taken (*no se diera curso*) on the latter.

For my part, I can assure you that this would also be very satisfactory to me, and I beg that you will kindly let me know if I may do so, thus accomplishing the desires of both.

I repeat, &c.,

J. DE CARVAJAL.

[Inclosure 2 in No. 886.]

General Sickles to Mr. José de Carvajal.

Private.]

UNITED STATES LEGATION IN SPAIN,
Madrid, November 26, 1873.

MY DEAR MR. CARVAJAL: In reply to your note of to-night I have to state, in view of the communication received from you this afternoon at half-past 2, soon after I had asked for my passports, that you are at liberty to defer any reply to my note until the request be renewed, if unhappily our negotiations fail, and I should be constrained again to take that step.

I am, &c.,

D. E. SICKLES.

No. 655.

Mr. Fish to General Sickles.

[Telegram.]

WASHINGTON, *November 27, 1873.*

The Senate of the United States, on the 16th of June, 1858, unanimously adopted a resolution in these words:

Resolved, (as the judgment of the Senate,) That American vessels on the high seas, in time of peace, bearing the American flag, remain under the jurisdiction of the country to which they belong, and therefore any visitation, molestation, or detention of such vessel by force, or by the exhibition of force, on the part of a foreign power, is in derogation of the sovereignty of the United States.

After the passage of this resolution, Great Britain formally recognized the principle thus announced, and other maritime powers and writers on international law all assert it.

FISH.

No. 656.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 28, 1873.

Am without reply to my telegram to you of 26th. Have reason to assure you that this government is ready to yield our terms of reparation. Hope to announce this result to you this afternoon.

SICKLES.

No. 657.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 28, 1873.

Your plain instruction London of yesterday is just received, as also your cipher telegram of same date.

In conformity to your instruction of the 25th, I have awaited your orders in reply to the propositions cabled you at 5 in the afternoon of the 26th. Assuming that you regard them as inadmissible, I propose, unless meanwhile I receive other instructions from you, to renew my request for my passports at 3 o'clock this day.

SICKLES.

No. 658.

General Sickles to Mr. Fish.

No. 887.]

UNITED STATES LEGATION IN SPAIN,
Madrid, November 28, 1873. (Received December 23.)

SIR: I have the honor to forward herewith copies of communications recently exchanged between the Count Maffei, the Italian chargé d'affaires in Madrid, and myself, respecting the authorization granted to the former by the cabinet of Rome to take charge of the effects of this legation and of American interests in event of my departure from Spain.

I am, sir, &c.,

D. E. SICKLES.

[Inclosure 1 in No 887.]

General Sickles to Count Maffei.

Confidential.]

UNITED STATES LEGATION IN SPAIN,
Madrid, November 24, 1873.

MY DEAR COUNT: I conveyed to my Government the intimation you kindly gave me, that if a request were made by the President through the diplomatic channel, leave would be granted to you to take charge of the effects of this legation, if an occasion should arise to ask your good offices in that regard.

In reply I am informed that my Government has sent such a communication to that of His Majesty the King of Italy.

I will thank you to acquaint me with the further instruction you may receive on this subject, and I in turn shall not fail to give you timely notice of my movements.

I am, &c.,

D. E. SICKLES.

[Inclosure 2 in No. 887.]

Count Maffei to General Sickles.

Confidential.]

ROYAL LEGATION OF ITALY,
Madrid, November 26, 1873.

MY DEAR GENERAL: I hasten to inform you, in reply to your note of yesterday's date, that I have just received a telegram from my government by which I am authorized to take charge of the archives of the United States legation and of American interests and subjects, should you be compelled to leave this country.

This intimation is made to me in consequence of an official communication addressed to the Italian government by Mr. Fish; and while expressing the hope that the present difference may yet receive an amicable as well as satisfactory solution, I need not tell you how highly honored I feel by the confidence you have placed in me, and how earnestly I shall direct all my efforts, in the event of a complication, to deserve that of your Government and of any of your countrymen.

I thus hold myself at your entire disposal, and remain, &c.,

A. MAFFEI.

[Inclosure 3 in No. 887.]

*General Sickles to Count Maffei.*UNITED STATES LEGATION IN SPAIN,
Madrid, November 28, 1873.

MY DEAR COUNT: I have the honor to acknowledge the receipt of your kind note of 26th instant, in which you acquaint me of the favorable action of your government in response to the request of the United States, authorizing you to take charge of such American interests here as might need protection in the event of the possible interruption of diplomatic relations between the United States and Spain.

I thank you sincerely for the cordiality and frankness with which you have signified your readiness to undertake this task, should the emergency unhappily arise.

To-day I am able to state, at least semi-officially, that the question of the *Virginus* may be regarded as having reached a diplomatic solution, which I trust will be promptly followed by the acts of reparation agreed upon, thus avoiding any necessity to trouble you with an addition to your important duties.

Believe me, &c.,

D. E. SICKLES.

No. 659.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, *November 28, 1873.*

Last night it was agreed here informally that, accepting my declaration of the nationality of the *Virginus*, reparation would be made in accordance with our demand of the 15th instant. This was ratified by the council of ministers at 3 this morning, and I was promised an official communication in that sense to-day. I am now informed in a note from the minister of state that yesterday you authorized the Spanish minister in Washington to convey to this government a different proposition on the part of the United States, and that it has been accepted, of which you have been notified through Admiral Polo. Please let me know whether that statement is true.

The only instruction I have had from you since my four telegrams of the 26th, is a copy of the Senate resolution passed in fifty-eight.

SICKLES.

No. 660.

Mr. Fish to General Sickles.

[Telegram.]

WASHINGTON, November 28, 1873.

When your dispatch of 5 afternoon of 26th was received, it was supposed here that you had left Madrid, inasmuch as you informed me you had then demanded your passports. I therefore gave the reply of this Government in a written memorandum to Admiral Polo, the substance of which was that it would not assent to the proposition which allowed Spain to hold the vessel and survivors while seeking evidence to justify the capture, assigning reasons therefor to him to be communicated to his government. Admiral Polo informs me this morning that his government says that negotiations are renewed in Madrid. Since then I received at 4 this afternoon your telegram of this morning announcing that you should request your passports at 3 to-day. The supposed negotiations must therefore drop at Madrid and be conducted hereafter here.

FISH.

No. 661.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 29, 1873.

Your telegram of 28th received this morning.

Note dated yesterday from minister of state, mentioned in my telegram of 9 last night, contains following statement:

“Admiral Polo, duly authorized by Mr. Fish, informs me that the United States Government would admit an accommodation on the basis of the immediate return of the *Virginus* and the survivors, reserving the salute of the flag to be performed if the Spanish government do not prove to the satisfaction of the United States, before the 25th of December next, that the *Virginus* had no right to carry the American flag.”

Minister adds that the initiative in this proposition was taken by the Spanish government, founded on assurances received from you, through Admiral Polo, that the United States were disposed to entertain any reclamations or complaints Spain might have to make for the acts of the *Virginus*, and, on being informed that you accepted their bases, the executive power had telegraphed the admiral yesterday afternoon confirming the arrangement. Mr. Carvajal concludes with congratulations on this happy termination of the affair.

I have to remark that, this government having been advised by the most eminent jurists of Spain and by the European powers that the reclamation of the United States was supported by public law, the negotiations would have been terminated here yesterday before 3 in the afternoon on the basis of your instructions to me if this government had not supposed that it had obtained better terms in Washington pending the negotiations in Madrid. If you are not too far committed, you have only to insist upon your original terms to obtain them.

It is to be regretted I was not notified of the negotiations in Washington. The English legation here is better informed by its government of what transpires in Washington on this subject than this legation.

I beg that the receipt of this telegram may be acknowledged.

SICKLES.

No. 662.

General Sickles to Mr. Fish.

No. 893.]

UNITED STATES LEGATION IN SPAIN,
Madrid, November 29, 1873. (Received December 26.)

SIR: I have the honor to forward herewith some further correspondence with the minister of state.

On the night of the 27th it was informally agreed that, on a declaration made by me of the American nationality of the *Virginus*, the vessel and surviving passengers and crew would be delivered up, the flag saluted, and the other measures of reparation accorded in conformity with our demand of the 15th instant. With this understanding my note under date of 26th instant was written, and placed in the hands of Mr. Carvajal at 4 in the morning of the 28th. In order that no time should be lost, I intimated to the minister of state, through a friendly channel, that I expected an immediate reply, and unless it was received before 3 in the afternoon I would feel constrained, in obedience to my instructions, to renew the request for my passports. The council of ministers had meanwhile ratified the arrangement, and a draught of a protocol was prepared.

At noon Mr. Carvajal sent to me, by the hands of Mr. Rivero, a copy of a telegram that moment received from Admiral Polo, containing what purported to be a fresh proposal from yourself, agreeing to reserve all other questions on the immediate surrender of the *Virginus* and survivors. This proposition, the minister stated, was at once accepted, and of this you had been instantly notified through the Spanish minister in Washington. In the afternoon I received from his excellency an official confirmation of this announcement, in the note of which you will find a translation in appendix B.

I am, &c.,

D. E. SICKLES.

[Inclosure 1 in No. 893.]

General Sickles to Mr. José de Carvajal. (Sent in November 28, 1873—3.50 a. m.)

LEGATION OF THE UNITED STATES OF AMERICA.

Madrid, November 26, 1873.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, has the honor to acknowledge the receipt of the note addressed to him to-day by his excellency the minister of state. Reserving to his Government, to whom the purport of the communication has been made known by cable, such reply as the President may direct to be made, the undersigned cannot do less than express his satisfaction in seeing what he hopes he may regard as a step toward an honorable settlement of the questions arising out of the capture of the *Virginus*. The undersigned understands the government of the republic to accept as just and reasonable the terms of reparation proposed by the United States in the note which the undersigned had the honor to address to Mr. Carvajal on the 15th inst. It remains only for the government of the republic to satisfy itself that the nationality of the vessel

is ascertained. Upon this point, which undoubtedly is the essential one in the case, the undersigned begs to observe that the delay suggested for the purpose of obtaining testimony from Cuba to establish a fact already sufficiently certified seems quite unnecessary. Such evidence as might now be derived from the scene of the transaction would be secondary, inconclusive, and incompetent: Secondary, because, unhappily, the officers of the *Virginus*, the lawful custodians of her papers, are all dead; inconclusive, because it cannot be expected that those who are responsible for the catastrophe will furnish proof of their own misconduct; incompetent, because there is no judicial tribunal in Cuba by which the lawfulness of the capture can be determined. A prize-court cannot have jurisdiction of the case, since prize-courts exercise their powers only between belligerents, and belligerents and neutrals, in time of war. War is not recognized as existing in Cuba, and Spain has been the foremost in denying that either party to the conflict enjoys, or is entitled to enjoy, belligerent rights.

The undersigned has heretofore declared, and he now repeats the declaration in the name of his Government, that the *Virginus* was at the moment of her capture on the high seas a regularly-documented American ship. The assertion of a government which has accorded to a vessel the right to sail under its flag is the best evidence of her nationality. Every such ship is registered in the public archives. It cannot be supposed that any respectable state would volunteer its protection to those having no right to claim it. Nor is it usual when, in a case like this, the injured government affirms the nationality of the ship, to put that averment in issue and demand proof as a preliminary to the consideration of reclamations for an affront offered to its flag.

The undersigned, therefore, submits to the enlightened judgment of Mr. Carvajal, that, in harmony with the usage and comity of nations, Spain may well dismiss all controversy as to the nationality of the *Virginus*, accepting as indisputable the fact that she was a regularly-documented American ship, and, moved by the traditions of a friendship uninterrupted for a century, proceed at once to accord to the United States that measure of reparation which she has already loyally recognized as befitting her own dignity and due to an ancient ally.

The undersigned avails himself of this opportunity to repeat to his excellency the minister of state the assurances of his most distinguished consideration.

D. E. SICKLES.

His Excellency the MINISTER OF STATE.

[Inclosure 2 in No. 893.]

Mr. José de Carvajal to General Sickles. (Received November 28, 1873—5.30 p. m.)

[Translation.]

MINISTRY OF STATE,

Madrid, November 28, 1873.

SIR: The undersigned, minister of state and member of the executive power of the Spanish Republic, has the honor to state to General Sickles, envoy extraordinary and minister plenipotentiary of the republic of the United States of America, that he has received his communication dated the 26th, replying to the propositions made on the same day for the settlement of the question of the *Virginus*, and stating that you had communicated them by telegraph to Washington for the decision of His Excellency the President of the United States.

I had great pleasure in the perusal of your note, which was inspired by the highest sentiments of honor and dignity, and I would have especial satisfaction in treating fully the doctrinal points contained therein, if, happily, I had not to-day received from the minister of Spain in Washington a telegram, which I must, first of all, hasten to bring to your knowledge, as well as the determination of the executive power.

Mr. José Polo de Bernabé, duly authorized by Mr. Hamilton Fish, informs me that your Government, animated by the best desires of conciliation, would admit a settlement on the basis of the immediate return of the *Virginus* and the survivors, reserving the salute of the flag to be performed if the Spanish government do not prove to the satisfaction of that of the United States, before the 25th of December next, that the *Virginus* had no right to carry the American flag.

In reaching these conclusions the initiative was taken by the Spanish government, and was indicated in a telegram addressed to our representative, being founded upon the noble and loyal words uttered by Mr. Fish in his interviews with the same, that if Spain had any complaints or reclamations to make, by reason of the acts of the *Virginus*, the United States were prepared in that case to apply the provisions of international law, and to prove that, being ever determined to do justice, they held the purpose to observe toward the Spanish republic a reciprocal and cordial friendship.

The executive power has confirmed its acceptance of those bases by means of a telegraphic message, which I am at this moment sending to Mr. Polo.

Knowing, as you do, the sincerity with which the executive power desires to draw closer the affectionate relations existing between the two republics, there is no need for me to impress upon you the satisfaction I feel on beholding the honorable and happy termination of a question which might have had grave consequences had not kindly ties and kindred political interests served as mediators between the two countries, and, permit me to add, had there not been at the head of the friendly nation and of its representation in Madrid minds fully up to the high level of their epoch.

I improve, &c., &c.,

J. DE CARVAJAL.

The MINISTER PLENIPOTENTIARY OF THE UNITED STATES.

No. 663.

Mr. Fish to General Sickles.

[Telegram.]

WASHINGTON, November 29, 1873.

Telegram of 9 in the evening of 28th received only this morning. Late last night Spanish minister informed me of proposal embracing all that was in demand of 15th, with a slight variation and provision for mutual consideration of reclamation and investigation of conduct of parties, which proposal was accepted, and this morning had been reduced in form of protocol, signed. Particulars will be sent by post.

Your telegram of 9 in the morning was not received until 11 this morning.

FISH.

No. 664.

Mr. Fish to General Sickles.

[Telegram.]

WASHINGTON, November 29, 1873.

Remain at post. Further instructions soon. Settlement being effected here.

FISH.

No. 665.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 29, 1873.

At half past 10 to-night received your telegram of to-day, directing me, in plain, to remain at post.

It is announced here that settlement has been made in Washington, on basis of return of vessel and captives, leaving all other questions for subsequent adjustment.

SICKLES.

No. 666.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, November 30, 1873.

General Pieltain denies that he directed the capture of the *Virginus*, and asserts that the order was given by the commanding officer of the fleet to take her wherever found.

SICKLES.

No. 667.

Mr. Fish to General Sickles.

[Telegram.]

WASHINGTON, December 1, 1873.

The arrangement with Admiral Polo is the following:

The *Virginus*, and the survivors of passengers and crew, are to be restored forthwith. The United States flag to be saluted by Spain on the 25th December. If Spain before then satisfies the United States that the *Virginus* was carrying the flag at the time of capture without right, the salute will be spontaneously dispensed with; but Spain in such case is to disclaim an intent of indignity to our flag.

In the same event the United States will institute inquiry and adopt legal proceedings against the vessel, if it be found that she has violated any law of the United States, and against any person who may appear to have been guilty of illegal acts in connection therewith.

Spain is to proceed against the persons who committed the acts complained of in Santiago de Cuba, according to the second proposition made to you, and communicated in your telegram of 27th November, and to arraign them before competent courts, and to inflict punishment on those who may have offended.

Other reciprocal reclamations are to be made the subject of arrangement, and in case of disagreement are to be the subject of arbitration, if the Senate assent.

The time, manner, and place for the surrender and for the salute to be subject of arrangement within two days.

These details are sent in answer to your telegram of 4 in the afternoon of the 29th November.

FISH.

No. 668.

Mr. Fish to General Sickles.

[Telegram.]

WASHINGTON, December 2, 1873.

The two days agreed upon in the protocol signed with Spanish minister for arranging details have passed, and minister has not full instructions, and has asked a short extension. It is hoped the delay is acci-

dental and has been unavoidable, but it gives rise to grave apprehension of the failure of the friendly accommodation to which this Government acceded on the request of Spain. You will see minister at once, and assure him of the President's disappointment at this delay, and that if he assent to any extension, it is in the interest of a continuance of friendly relations with the republic of Spain, but can be only for the most limited period. That he relies upon the immediate execution of the engagement to forthwith surrender the vessel and the survivors of her passengers and crew, and that delay cannot be regarded otherwise than as inconsistent with the engagement.

FISH.

 No. 669.

[Circular.]

 DEPARTMENT OF STATE,
 Washington, December 3, 1873.

To the diplomatic officers and consuls-general of the United States :

I herewith inclose a copy of the President's message to Congress, and of an accompanying protocol* of a conference between the Secretary of State and the Spanish minister. I invite your particular attention to the latter. There is no reason to believe that Spain will find herself unable to comply with her engagements to the United States respecting the *Virginus*; yet it is proper that your attention should be called to the emergency, which it is hoped has now passed away, in order that you may exercise vigilance in watching the course of future events.

Your obedient servant,

HAMILTON FISH.

 No. 670.

Mr. Fish to General Sickles.

No. 415.]

 DEPARTMENT OF STATE,
 Washington, December 3, 1873.

SIR : I inclose copies of Consul-General Hall's Nos. 6 and 8.†

Respecting the former, which states that a guard of Spanish marines was placed at the consulate of the United States at Santiago de Cuba, you are instructed to bring the subject verbally to the attention of the Spanish government, and to ask the reason for the unusual course.

Respecting the latter, which sets forth the difficulty which Mr. Hall labors under in holding communications with the superior political governor in Cuba, I have to say that in the present juncture it does not appear to us that it is either prudent or a mark of good-will to throw impediments in the way of a free intercourse on pending questions between the principal representatives of the two governments in Cuba.

You may make this matter the subject of unofficial conversations, in the belief that the matter will be viewed at Madrid in the same light as here.

I am, &c.,

HAMILTON FISH.

* See correspondence with Spanish minister, *infra*.

† See correspondence with Mr. Hall, *infra*.

No. 671.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, *December 3, 1873*—6 p. m. (Received 9 p. m.)

President Castelar informs me now that powers have been sent this afternoon to Spanish minister in Washington to negotiate the place, day, and hour of the delivery of the *Virginius* to United States.

SICKLES.

No. 672.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, *December 3, 1873*—4 p. m. (Received Dec. 3.)

Your instruction of yesterday received at 11 this morning. Minister of state informs me at 4 this afternoon that orders have been sent to Spanish minister in Washington for the execution of the stipulations of the protocol of the 29th ultimo relative to the surrender of the vessel.

SICKLES.

No. 673.

Mr. Fish to General Sickles.

[Telegram.]

WASHINGTON, *December 4, 1873.*

Minister's instructions are represented to instruct him to consult with authorities in Havana, and sign agreement, to be reported to Madrid. You will see minister and represent the urgency of the case. You will say, in a friendly spirit, that we rely upon the good faith of Spain to execute her engagement. At her request the United States extended the time for the agreement, as to details, but that further delay on her part will give rise to painful apprehension. You will urge immediate and positive instructions to minister to sign agreement as to details to carry out the stipulations of the protocol.

Your telegrams of yesterday received.

FISH.

No. 674.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, *December 5, 1873.* (Received 7.40 a. m., Dec. 6.)

Your instruction of yesterday received at 10.30 this morning. Interview with minister at 3 this afternoon. He said order sent Wednesday to Polo directed him to consult Minister Soler in Havana about place of surrender, and leave time to be named by you. He said Polo had full authority to act as soon as place should be determined. Minister said, in conclusion, he preferred to let his previous orders stand, but he would direct Polo to lose no time in coming to an understanding with Soler and signing further agreement with you.

SICKLES.

No. 675.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, *December 6, 1873.* (Received 3 p. m., Dec. 6.)

It is published semi-officially that the Government disapproves of my conduct in the case of the *Virginus*. If, in the opinion of the President, my resignation would facilitate a satisfactory termination of that question, or be otherwise advantageous to the public interests, such resignation may be considered as hereby respectfully tendered.

SICKLES.

No. 676.

Mr. Fish to General Sickles.

[Telegram.]

WASHINGTON, *December 6, 1873.*

The alleged publication of disapproval of your conduct is unauthorized. No dissatisfaction has been expressed or intimated, and it is deemed important that you remain. Your resignation at this time would not be accepted, as it would interfere with the prospects of an accommodation.

FISH.

No. 677.

Mr. Fish to General Sickles.

[Telegram.]

WASHINGTON, *December 8, 1873.*

Agreement has been signed fixing the time, place, and manner of the surrender of the *Virginus* and surviving passengers and crew.

FISH.

No. 678.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, *December 15, 1873—4.30 p. m.* (Received 3.20 p. m.)

President Castelar called at the legation this afternoon and informed me that the *Virginus* and survivors had been surrendered to those authorized to receive them on the part of the United States.

SICKLES.

No. 679.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, *December 16, 1873.* (Received late p. m.)

I respectfully request that my telegram of 6th instant tendering my resignation, and your reply of same date, may be now published.

SICKLES.

No. 680.

Mr. Fish to General Sickles.

[Telegram.]

WASHINGTON, *December 17, 1873.*

Your tender of resignation was only hypothetical, and your telegram referred it to alleged publications, unknown here, attributing dissatisfaction which had not been expressed.

Under these circumstances publication is not deemed necessary, and cannot be authorized.

FISH.

No. 681.

Mr. Fish to General Sickles.

[Telegram.]

WASHINGTON, *December 18, 1873.*

Official information of surrender of Virginius on Tuesday, pursuant to agreement.

FISH.

No. 682.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, *December 20, 1873—1 a. m.*

I respectfully renew the tender of my resignation, which I trust may be accepted now without interfering with the prospects of an accommodation.

SICKLES.

No. 683.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, *December 20, 1873—12.30 a. m.*

(Received December 20—10.20 a. m.)

It is stated here by authority that, in consequence of a communication this government has received from that of the United States, in which it appears the *Virginus* is not an American ship, a reclamation will be made by Spain for the restoration of the vessel and passengers.

SICKLES.

No. 684.

Mr. Fish to General Sickles.

[Telegram.]

WASHINGTON, *December 20, 1873.*

Your resignation will be accepted. Letter of recall, with instructions, will be forwarded by next mail.

The Attorney-General decides that the *Virginus* was not rightfully carrying the flag of the United States at the time of her capture; consequently the salute will be spontaneously dispensed with.

FISH.

No. 685.

Mr. Fish to General Sickles.

[Telegram.]

WASHINGTON, *December 20, 1873.* (Sent 11.20 a. m.)Official advices received of surrender of survivors from *Virginus*.

FISH.

No. 686.

General Sickles to Mr. Fish.

[Telegram.]

MADRID, *December 26, 1873.* (Received Dec. 26, — p. m.)

My resignation having been accepted, I now respectfully renew my request for the publication of the correspondence relating thereto, comprising my telegrams of the 6th, 16th, and 20th instant, and your replies of the 6th, 17th, and 20th. I beg that this request may be submitted to the President.

SICKLES.

No. 687.

Mr. Fish to Mr. Adee.

No. 425.]

DEPARTMENT OF STATE,
Washington, December 31, 1873.

SIR: On the 26th ultimo General Sickles's No. 893 arrived at this Department during my absence for the holidays. In it he states that it was informally agreed, on the night of the 27th of November last, that on a declaration made by him of the American nationality of the *Virginus*, the vessel and surviving passengers and crew would be delivered up, the flag saluted, and the other measures of reparation accorded in conformity with our demands of the 15th instant. It is greatly to be regretted that General Sickles did not state with whom this informal agreement was made.

The note of Mr. Carvajal, minister of foreign affairs, which accompanies General Sickles's dispatch, does not convey the idea that he had been a party to that agreement, but does intimate that he would have discussed some of the points raised in General Sickles's note but for the arrangement which was made here.

General Sickles further says, that at noon on the 28th of November Mr. Carvajal sent him a copy of a telegram from Admiral Polo, containing what purported to be a fresh proposal from me respecting the *Virginus*, which General Sickles appears to have supposed was in conflict with the informal arrangement of the previous evening.

Without more accurate information concerning the person with whom the informal arrangement was made I cannot permit myself to think that the Spanish government receded from any undertaking which it had once assumed.

So far, however, as General Sickles's statement may be supposed to affect this Government, it is proper to say that the changes from the original demands of the United States which were agreed to in the protocol of the 29th of November were adopted on the suggestion of the Spanish government, under the belief that they did not affect the principles upon which our demands were founded, and were calculated to promote a peaceful settlement of the unfortunate differences which had arisen between the two powers.

Spain having admitted (as could not be seriously questioned) that a regularly-documented vessel of the United States is subject on the high seas in time of peace only to the police jurisdiction of the power from which it receives its papers, it seemed to the President that the United States should not refuse to concede to her the right to adduce proof to show that the *Virginus* was not rightfully carrying our flag. When the question of national honor was adjusted, it also seemed that there was a peculiar propriety in our consenting to an arbitration on a question of pecuniary damages.

This happy adjustment of the differences between two sister republics, on a basis honorable to both, fortunately makes the matters referred to by General Sickles of little importance. I have thought it right, however, to correct the misapprehensions under which his dispatch seems to have been written.

I am, sir, &c.,

HAMILTON FISH.

No. 688.

General Sickles to Mr. Fish.

No. 971.]

UNITED STATES LEGATION IN SPAIN,
Madrid, January 31, 1874. (Received March 20.)

SIR: I have the honor to state for your information that, by reference to my dispatches, it will be found that this government had revoked the authority given by General de Rodas to subordinate commanders to shoot prisoners. General Prim condemned the practice, and as minister of war forbade it. Mr. Becerra, as minister of the colonies, in a published allocution, denounced these barbarities. Mr. Moret, his successor, in his instructions to Count Valmaseda, a copy of which I forwarded to you, expressly directed that any officer subordinate to the captain-general found guilty of such acts should be punished. And General Cordova, the last minister of war under the late King, in his general orders to Captain-General Ceballos, an extract from which was also sent to you, emphatically disapproved of measures of exceptional severity toward prisoners.

It appears, therefore, that the conduct of the authorities at Santiago finds no justification in the orders of this government, unless the instructions given to Generals Pieltain and Jovellar were essentially different from those received by their predecessors, and that in this, as in other instances, the Cuban authorities availed themselves of their traditional privilege of disobeying the home government.

It is asserted, without contradiction, that the government promoted General Burriel in October last, and the publication of the order is now demanded by influential journals as a just recompense for his services at Santiago.

I have, &c.,

D. E. SICKLES.

II.—CORRESPONDENCE AND NEGOTIATIONS WITH THE SPANISH LEGATION AT WASHINGTON.

No. 689.

*Mr. Fish to Admiral Polo de Bernabé.*DEPARTMENT OF STATE,
Washington, November 12, 1873.

ADMIRAL: This Department has received a telegram from an official source, representing that the captain of the *Virginius*, so called, thirty-six of the crew, and sixteen other persons, were shot on the 7th and 8th instants. This information relates to an act apparently too shocking and cruel to be credible. I am in hopes that more authentic intelligence may have reached you, which would tend to discredit the statement referred to. I will consequently thank you to relieve, as soon as you conveniently can, our natural anxiety upon the subject.

I avail, &c.,

HAMILTON FISH.

No. 690.

*Admiral Polo de Bernabé to Mr. Fish.*LEGATION OF SPAIN AT WASHINGTON,
Washington, November 12, 1873.

The undersigned, minister plenipotentiary of Spain, has the honor to inform the honorable Secretary of State, in reply to his note, that he has received no advices, either official or unofficial, of the executions by shooting referred to in the honorable Secretary's dispatch of this date, which he has just received now—that is to say, at 5 o'clock in the afternoon.

The undersigned, in hastening to reply to the aforesaid note of the honorable Secretary of State, avails himself of this occasion to renew to him the assurances of his most distinguished consideration.

JOSÉ POLO DE BERNABÉ.

No. 691.

(Handed to Mr. Fish by Admiral Polo de Bernabé November 15, 1873.)

[Telegram.]

FROM CUBA.

I. The *Virginus* had no crew's roll, and was wanting in the usual papers required of merchant-vessels.

II. The order from the government could not reach Santiago de Cuba in time, owing to the destruction of the telegraph-wires by the insurgents. On the 12th the captain-general received a telegram from Santiago de Cuba dated the 6th, and this was the date of the first instructions from the government. On the 14th the admiral received the news of the executions of the 9th. Ordinary communications have been quicker than those sent by telegraph.

The case of the *Virginus* is equal or similar to those of the *Guana-ham* and *Margaret Jersey*, and the admiral assures that in the record of the proceedings, of which he already has possession, the act of piracy is fully proved, and that the crew made no secret of the truth of their hostile intent and purpose.

FROM MADRID.

The government is not in receipt of sufficient particulars in reference to the case of the *Virginus*. It will act in strict conformity with international law.

No. 692.

The minister of state to the minister plenipotentiary at Washington.

[Telegram.]

(Received November 17, 11.45 p. m.)

Be pleased to inform the honorable Hamilton Fish that the government of Spain, always respecting law and international usages, is disposed to make amends for any violation of either which may have been committed in the case of the *Virginus*; its honor, however, and the in-

tegrity of those principles forbid its adopting a final resolution until all the circumstances which determined the capture shall be known, for it feels sure that if this capture was made in conformity to law, the Government of the United States will approve it, together with its legitimate consequences, just as that of the Spanish Republic, in the contrary event, will hasten to give such satisfaction as may be required to make amends for the interests which have been injured, and to soothe the national susceptibility, which in that case will have been justly alarmed.

No. 693.

Admiral Polo de Bernabé to Mr. Fish.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, November 18, 1873. (Received November 18.)

The undersigned, minister plenipotentiary of Spain, has the honor to inclose to the Hon. Hamilton Fish, Secretary of State of the United States, a literal copy of a telegraphic dispatch which he has received from the minister of state, with express orders to communicate it to him.

The undersigned avails himself of this occasion to reiterate to the honorable Secretary of State the assurance of his most distinguished consideration.

JOSÉ POLO DE BERNABÉ.

Secretary of state, Madrid, to Spanish minister at Washington.

[Inclosure—Telegram.]

(Received at 1.30 p. m., November 18, 1873.)

I am anxious for you to say to Mr. Fish, and that you should endeavor to make him understand in the way you may deem most expedient, all the reasons Spain has for proceeding as she does in the matter of the *Virginus*.

We are resolved to abide by the principles of justice, to observe international law, to punish all those who shall have made themselves liable to punishment, regardless of their station; to ask reparation for offenses that may have been done against us, and in our turn to make due reparation if right and our own conviction should so advise us. But a knowledge of facts is necessary to proceed with the tact and judgment required by the gravity of the case, and the news which reaches the United States must be confused as that we receive here.

We are informed that a conspiracy has been discovered in Cuba, which was to have acted in concert with the arrival of the vessel, which had already, on former occasions, landed supplies of war and filibustering expeditions, and, on this very occasion, had not her papers in order. That the declaration of the captain affirms a new conspiracy directed against the integrity of our soil in a vessel passing for American, and covered by a flag of a friendly nation. If, therefore, on the one hand, such facts as these have come to light, and we, before making any complaint, await conclusive intelligence, the United States, on the other hand, if they complain that their flag has been insulted, that one of their vessels has been captured, that executions have taken place, and that in these executions treaty stipulations have been ignored, should wait until everything is made clear.

The reparations we may have to make, or those we may ask for, require time and the knowledge of facts. Assure, therefore, the Government of the United States, in the most positive manner, that, resolved upon the preservation of the integrity of our territory and the dignity of our nation, we are also determined strictly to comply with the principles of international law, the letter of treaties with all nations, and, consequently, with the American Republic.

No. 694.

From the secretary of state, Madrid, to the Spanish minister, Washington.

[Telegram.]

(Received 20th November, at 11.30 a. m.)

Your telegram received. Telegraph me daily.

Say to Mr. Fish that I have received your said telegram, and that Spain would most cheerfully have anticipated reparation as soon as she should have become conscious of the offense, but since Mr. Fish deems it advisable that the settlement of the question shall have been advanced before the assembling of Congress, we, desirous of proving our good faith, have no objection whatever to submit the question to an arbitration, the arbitrator to be any one of the European powers the Government of Washington may choose to appoint, and the vessel to be surrendered into the hands of the arbitrators, in proof of our purpose to abide by the decision.

Say that it is not exact that we are not obeyed in Cuba. We can adduce two decisive proofs. First, from the time the orders were received, executions were suspended; second, since the receipt of another order, the restoration of embargoed property to citizens of the United States is being actively proceeded with. Consequently, you may, as well as that Government, (of the United States,) have the assurance that whatever may tend to a satisfactory solution shall be done both here and in Cuba.

In order to sustain the necessity for an arbitration, say that the information which reaches us is generally contradictory to that which is transmitted to Washington, as, for example, that which refers to the papers of the vessel; and, although we have made use of the telegraph, it is evident that these contradictions cannot be rectified except by testimony, the transmission of which is impossible by telegraph.

Insist on the good faith these points embrace, and comprehend all the importance of your mission in these moments in which the country confides in your intelligence.

No. 695.

Admiral Polo de Bernabé to Mr. Fish.

LEGATION OF SPAIN,
Washington, November 20, 1873.

The undersigned, minister plenipotentiary of Spain, has the honor to inclose to the honorable Hamilton Fish, Secretary of State of the United States, a literal copy of a telegraphic dispatch from the minister of state at Madrid, with express orders to communicate it to him.

The undersigned avails, &c.,

JOSÉ POLO DE BERNABÉ.

[Inclosure.]

[Telegram from secretary of state, Madrid, to Spanish minister, Washington, 20th November, 1873. Received at 6.45 p. m.]

No apprehension need be entertained of difficulties arising from the presence in Cuban waters of United States war-vessels.

Spain is at this day respected in Cuba, and we are now sending the most peremptory orders.

I await with impatience your reply to my telegram of last evening proposing arbitration.

No. 696.

MEMORANDUM.

FRIDAY, *November 21, 1873.*

Admiral Polo had an interview with Mr. Fish with reference to the intimation in the telegram from the secretary of state at Madrid to the admiral which the latter had handed to Mr. Fish yesterday afternoon, that Spain would have no objection whatever to submit the question to an arbitration, &c., &c.

Mr. Fish remarked that while the Government of the United States was most sincerely and earnestly desirous of an amicable and honorable adjustment of the question and was ready to refer to arbitration all questions which are properly subjects of reference, the question of an indignity to the flag of the nation, and the capture in time of peace on the high seas of a vessel bearing that flag and having also the register and papers of an American ship, is not deemed to be one which is referable to other powers to determine; that a nation must be the judge and the custodian of its own honor, and that he could not doubt that Spain herself, ever sensitive to the protection of her own honor, and ready to do justice, would appreciate the impossibility of the reference of such a question, and that until atonement be made to the wounded dignity and sovereignty of this Government, it cannot entertain a proposition of arbitration by reference to other powers.

He referred to the fact that, in the case of the arbitration with Great Britain on the Alabama claims, Her Majesty's government had tendered an atonement to the injured sensibilities of the Government and people of the United States, which was accepted by them as satisfactory before any arbitration was assented to.

He referred also to the absence of any proposition or expression of readiness to release or surrender, together with the vessel, the survivors of those captured on the *Virginus*, and expressed regret not to find in the communication some expression of the disapproval, which he was sure the government of Spain must feel, of the hasty execution of so many of those who had been captured.

Referring to the suggestion that the expression of willingness on the part of Spain thus to refer was induced by Mr. Fish's opinion that it was advisable that the settlement of the question should have been advanced before the assembling of Congress, Mr. Fish remarked that he did most certainly feel the importance of the earliest possible settlement of a question which has aroused the indignation of an entire people, and which is threatening the friendly relations of two nations, but that a proposition to refer to arbitration was a measure of delay and postponement, not one of advancement, but would continue the existing irritation on either side, and would tend further to endanger the relations between the two governments.

He referred to the execution, in contravention of the provisions of the treaty of 1795, of American citizens captured on board the *Virginus*, and the refusal to them of the rights guaranteed by that treaty of the services of advocates and of the presence of agents at their trial and at the taking of examinations and evidence, and to the detention of those captured under the flag of the United States who had escaped the cruel and hasty executions which the authorities at Madrid would never justify.

With reference to the statement that the restoration of embargoed estates was being actively proceeded with, Mr. Fish remarked that he

had no knowledge that such was the fact; on the contrary, his information led to the belief that, notwithstanding the assurances which had been given that they should be released, they are still, at this moment, held by the authorities in Cuba.

Mr. Fish renewed in the strongest terms the expression of the desire of his Government for a friendly settlement of the pending questions, and its hope that the reparation which was asked and confidently expected at the hands of Spain would be accorded, and thus restore the relations which have so long existed between the two governments.

No. 697.

Admiral Polo de Bernabé to Mr. Fish.

LEGATION OF SPAIN,
Washington, November 23, 1873.

The undersigned, minister plenipotentiary of Spain, begs to inform the Secretary of State of the United States that the testimony of Edward Greenwood and certain other witnesses will be taken at the office of Joseph Gutman, jr., commissioner of the United States circuit court for the southern district of New York, at No. 29 Nassau street, on Tuesday next, the 25th instant, at 11 o'clock, in respect to the history and ownership of the steamer *Virginius*; and the undersigned invites the Government of the United States to be present, by any of its proper officers, at the taking of this testimony, and ask such questions of any of the witnesses as to that Government may seem just and proper.

The undersigned avails, &c.,

JOSÉ POLO DE BERNABÉ.

No. 698.

Admiral Polo to Mr. Fish.

LEGATION OF SPAIN,
Washington, November 23, 1873.

MY DEAR MR. FISH: I beg to inclose copy of a telegram I have just received. I do not expect to receive any answer to my telegram of yesterday relating to our conference before to-morrow.

Not wishing to trouble you with a new call, I send you these lines.

Yours, &c.,

JOSÉ POLO DE BERNABÉ.

[Inclosure.]

Secretary of state, Madrid, to Spanish minister at Washington.

[Telegram.]

(Received 4.10 p. m., November 23, 1873.)

Contradict report in reference to hostile manifestations against the American minister. General Sickles is treated with consideration and respect.

Some intemperance of language, but the monarchical press was promptly silenced by the threat of immediate punishment.

The minister of the colonies reports from Havana that the restoration of embargoed property to American citizens is diligently proceeded with.

No. 699.

Mr. Fish to Admiral Polo de Bernabé.

DEPARTMENT OF STATE,

Washington, November 24, 1873.

Referring to Admiral Polo's note of the 23d instant, respecting the examination to take place at the office of Joseph Gutman, jr., concerning the history and ownership of the *Virginus*, the undersigned has the honor to state to Admiral Polo that the district attorney of the United States for the southern district of New York has been directed to be present at the examination. In giving this order this Government desires to manifest to the representative of Spain its wish to have the facts respecting the vessel fully investigated. But the undersigned feels sure that Admiral Polo will agree with the undersigned that neither party contemplates substituting such proceedings in the place of diplomatic discussion of the grave questions involved in the seizure of that vessel on the high seas while sailing under the flag of the United States, and that the presence of a representative of the Government of the United States at the proposed examination is not to be taken as assenting to any postponement of the questions now under discussion.

The undersigned avails, &c.,

HAMILTON FISH.

No. 700.

Secretary of state, Madrid, to the Spanish minister, Washington.

[Telegram.]

(Received November 24, 1873, at 10.20 a. m.)

Your important telegram received at an advanced hour of the night. To-morrow the cabinet will meet to consider its purport, although no practical solutions are clearly deducible from your interview with Mr. Fish. We had suggested arbitration, and instead of that reparations are first proposed and an arbitration to follow, which would in that event have become useless.

In order to make progress in the matter it would be well to establish fundamental points, and I beg you will again see Mr. Fish and submit the following:

First. Our dispositions being known, would the United States agree to wait for our solution, which would be immediate on receipt of the facts in the case?

Second. Would the President, notwithstanding the foregoing, still insist on submitting the question to Congress?

Third. Could Mr. Fish at once designate the points of offense, in view of treaty stipulations and international law?

We could in this way make good use of time, especially if we could have a clear and precise answer to these three points. I will telegraph you again to-morrow, after the meeting of the cabinet.

No. 701.

MEMORANDUM.

NOVEMBER 24, 1873.

1. The request is indefinite. No time is named within which the facts may be ascertained. Past experience in cases of reclamation for offenses in Cuba will not warrant us in entering into an agreement which practically amounts to an indefinite postponement.

2. It will be impossible for the President to refrain from communicating the facts to Congress. It is his constitutional duty to do so, and the importance and gravity of the case are such as will doubtless lead Congress to desire immediately to have a full knowledge of all the facts known to the President.

3. Generally the points of offense are, the capture on the high seas by the Spanish war-steamer Tornado, during the time of peace, of the regularly-documented United States vessel *Virginus*, under the flag of the United States, on or about the 31st day of October last, and the conveyance of the vessel, with her passengers, officers, and crew, into the port of Santiago de Cuba, within Spanish jurisdiction, and the execution of a large number of such passengers, officers, and crew, and the detention of the remainder and of the vessel.

These acts are regarded as violations of international law and of treaty stipulations.

No. 702.

[Telegram from secretary of state, Madrid, to Spanish minister, Washington. Received 25th November, 1873, at 9.45 a. m.]

The cabinet have carefully considered your telegram. We cannot understand the precipitancy of the United States in this matter. The news is really contradictory; while Mr. Fish maintains that the vessel was an American, our minister of the colonies informs us that she carried false papers, there being contradiction between the description of the vessel and her papers; that the captain declared that she had been fitted out and manned for the exclusive purpose of aiding the insurrection in the island of Cuba.

If this were true, we would have a right to present reclamations and complaints, and we could affirm that the United States do not observe toward the Spanish Republic the reciprocal friendship to which it is entitled.

But in the same way that we suspend reclamations on this point we would wish that the United States would suspend them also on what they consider their complaints and injuries, and we think they might consider as an anticipation of the redress that may be due to their flag our fixed and firm resolve to make reparation by salute and restitution of the vessel and the survivors of the crew of any offense that may be proved against the flag by the act of capture from the proceedings established in order to ascertain whether the vessel had the right or not to carry the American flag, independently of the other questions which, in reference to these facts, the governments of the two republics reserve the treatment of by diplomatic negotiations.

You are authorized to make this declaration, but you will understand, and should endeavor to make Mr. Fish understand, that no satisfaction would be possible if we are not first made sensible of the right with which it is demanded on account of the *Virginus*.

No. 703.

MEMORANDUM.

NOVEMBER 25, 1873.

Admiral Polo having read to Mr. Fish a telegraphic dispatch from his government received this day, Mr. Fish replied that—

The United States, in their own interests as well as in the interest of all maritime powers, cannot admit the right of any other power to capture on the high seas in time of peace a documented vessel bearing their flag. The flag which they give to a vessel must be its protection on the high seas against all aggression from whatever quarter, and they reserve to themselves the right to inquire whether the protection of that flag has been forfeited.

They assert the right not only in their own interest, but in the interest of all maritime and commercial powers, Spain herself included, although now it be asserted apparently against Spain.

On this ground they reserve to themselves the right to inquire into the regularity of the papers of the *Virginus*, and they are prepared to make this inquiry, on the execution indicated in the telegraphic dispatch from his government, just now read by Admiral Polo, of the reparation to the indignity committed to their flag. And should Spain have complaints or reclamations to make against the United States in consequence of the acts of the *Virginus*, when the injury to the honor of the flag of the United States is atoned for, they will be received with every purpose to do justice to Spain and to prove that the United States are ready at all times to do justice, to fulfill their duties under treaties and international law, and to observe toward the Spanish Republic a reciprocal and cordial friendship.

The Spanish cabinet cannot fail to see that the United States cannot demand less or could undertake to do more.

No nation has ever been more ready than Spain, or more precipitate, to assert its dignity, or to demand redress to its wounded honor. She cannot justly complain of precipitancy in the same direction in the present case on the part of the United States.

With regard to the *Virginus*, the identity of the vessel captured cannot be questioned. It is known to be the same that received a United States register, issued at New York in September, 1870, a certified copy of which is now in Mr. Fish's possession, and is, in fact, on the table before him and Admiral Polo.

If her captain made the declarations which he is alleged to have made, they cannot enter into the grave question of justification of an indignity to the flag of a sovereign nation. If they were made, they were made subsequent to the indignity, and cannot, therefore, justify it.

The alleged discrepancy between the description of the vessel and her papers is technical. It may be that the vessel may have sustained damage requiring repairs, which may have involved some change, as is suggested, in her description; but it is the same vessel, and she has not been within the jurisdiction of the United States since a date immediately after that of her register, and, therefore, could not have such changes noted on that register.

Her papers, therefore, must continue to give her a national character, and, with her flag, must be her protection.

No. 704.

MEMORANDUM.

NOVEMBER 27, 1873.

Admiral Polo called upon Mr. Fish, when the latter read to him a telegraphic dispatch, dated last evening, received this morning, from General Sickles, some words of which, he stated, are not capable of being intelligibly deciphered, but enough is translated to disclose the general purport of the dispatch. It presents a proposition on the part of the Spanish government which Mr. Fish says that the United States cannot accept.

Mr. Fish makes this statement and communication to Admiral Polo, inasmuch as it appears from General Sickles's dispatch, now received, that he has requested his passports, and may have left Madrid.

He proceeds to say that it cannot be and it is not questioned that the *Virginus* was regularly documented with American papers when she sailed from the United States in October, 1870, and that she was thus entitled to carry the flag of the United States; that the official report of the commander of the *Tornado*, published in Havana papers of the 15th instant, states that the *Virginus* bore the American flag when she was captured on the high seas by a Spanish vessel, and that the American flag was hauled down and the Spanish flag was hoisted by an officer of the Spanish navy.

He said that the United States deny the right of any other power to visit, molest, or detain on the high seas, in time of peace, any American vessel; that the exemption of the vessels of every power from visit or molestation in time of peace, and on waters common to all nations, is claimed and observed by all the great maritime powers, and is recognized by all the principal writers on international law.

That the propositions of Spain in the note communicated by General Sickles in his dispatch cannot be entertained, in that the first proposition practically asks the United States to consent that Spain shall hold and detain the vessel while she is seeking evidence to justify an act in derogation of the sovereignty and jurisdiction of the United States.

Admiral Polo then stated that he had received a strictly confidential and personal communication, requesting to be informed if it be possible to make an arrangement whereby, if the vessel and men be given up, Mr. Fish would engage that inquiry be instituted, and, if the result required, that punishment should be inflicted on those who had violated any laws of the United States, reserving, until further information, the salute to the flag.

After a short interval and absence, Mr. Fish, having consulted with the President, replied that if Spain should make this proposal, and should forthwith surrender the vessel and the survivors of her passengers and crew, the proposal would be accepted, and that the salute to the flag of the United States might be postponed until the 25th day of December next, to take place on that day; and that if before that date Spain should prove to the satisfaction of the Government of the United States that the *Virginus* was not entitled to carry the flag of the United States, and was carrying it at the time of her capture without right and improperly, the salute will be spontaneously dispensed with, as in such case not being necessarily requirable, but the United States will expect in such case a disclaimer of intent of indignity to its flag in the act which was committed.

Furthermore, if on or before the 25th of December it shall be made to appear to the satisfaction of the United States that the *Virginus* did

not rightfully carry the American flag, and was not entitled to American papers, the United States will institute inquiry, and adopt legal proceedings against the vessel, if it be found that she has violated any law of the United States, and against any of the persons who may appear to have been guilty of illegal acts in connection therewith; it being understood that Spain will proceed, according to the second proposition in the note to General Sickles, to investigate the conduct of those of her authorities who have infringed Spanish laws or treaty obligations, and will arraign them before competent courts, and inflict punishment on those who may have offended; other reciprocal complaints to be the subject of consideration and arrangement between the two governments, and, in case of no agreement, to be the subject of arbitration if the constitutional assent of the Senate of the United States shall be given thereto.

No. 705.

[Telegram from secretary of state, Madrid, to Spanish minister, Washington. Received November 28, 1873, 9.15 a. m.]

Negotiations renewed in Madrid. Confer again with Mr. Fish on the basis of the last official note, [official telegram?] and renew to him the assurances of the good faith and rectitude of our proposition; assuring him likewise that our agreement, whatever it may be, shall be beyond all doubt carried out in Cuba.

No. 706.

[Telegram from secretary of state, Madrid, to Spanish minister, Washington. Received 28th November, 1873—6.30 p. m.]

We can accept the restitution according the terms of your telegram. Inform Mr. Fish at once, and express the satisfaction with which I see happily terminated the negotiations between two nations who have been at peace during a century under different forms of government, and could not forget that they now happily live under the same institutions.

No. 707.

Protocol of the conference held at the Department of State, at Washington, on the 29th of November, 1873, between Hamilton Fish, Secretary of State, and Rear-Admiral Don José Polo de Bernabé, envoy extraordinary and minister plenipotentiary of Spain.

The undersigned, having met for the purpose of entering into a definitive agreement respecting the case of the steamer *Virginus*, which, while under the flag of the United States, was, on the 31st of October last, captured on the high seas by the Spanish man-of-war *Tornado*, have reached the following conclusions:

Spain, on her part, stipulates to restore forthwith the vessel referred to, and the survivors of her passengers and crew, and on the 25th day of December next to salute the flag of the United States. If, however, before that date Spain should prove to the satisfaction of the Government of the United States that the *Virginus* was not entitled to carry

the flag of the United States, and was carrying it at the time of her capture without right and improperly, the salute will be spontaneously dispensed with, as in such case not being necessarily requirable; but the United States will expect, in such case, a disclaimer of intent of indignity to its flag in the act which was committed.

Furthermore, if on or before the 25th of December, 1873, it shall be made to appear to the satisfaction of the United States that the *Virginus* did not rightfully carry the American flag, and was not entitled to American papers, the United States will institute inquiry, and adopt legal proceedings against the vessel, if it be found that she has violated any law of the United States, and against any of the persons who may appear to have been guilty of illegal acts in connection therewith; it being understood that Spain will proceed, according to the second proposition made to General Sickles, and communicated in his telegram read to Admiral Polo on the 27th instant, to investigate the conduct of those of her authorities who have infringed Spanish laws or treaty obligations, and will arraign them before competent courts and inflict punishment on those who may have offended; other reciprocal reclamations to be the subject of consideration and arrangement between the two governments, and in case of no agreement, to be the subject of arbitration if the constitutional assent of the Senate of the United States be given thereto.

It is further stipulated that the time, manner, and place for the surrender of the *Virginus*, and the survivors of those who were on board of her at the time of her capture, and also the time, manner, and place for the salute to the flag of the United States, if there should be occasion for such salute, shall be subject to arrangement between the undersigned within the next two days.

HAMILTON FISH.

JOSÉ POLO DE BERNABÉ.

No. 708.

Admiral Polo de Bernabé to Mr. Fish.

LEGATION OF SPAIN,
Washington, December 1, 1873.

The undersigned, minister plenipotentiary of Spain, has the honor to address himself to the honorable Secretary of State to tell him he has not as yet received certain instructions from his government at Madrid to arrange with the honorable Secretary of State the details for the fulfillment of the agreement made for the surrender of the steamer *Virginus* and surviving passengers, &c. The undersigned expects every moment said instructions from his government, and to account for the delay he assigns it to the intervening of a Sunday, on which day there is no meeting of council.

Besides, the undersigned received this afternoon a telegram with such confusion in the cipher that he was obliged to ask for repetition.

The undersigned begs the honorable Secretary of State to extend the time agreed only till the arrival of a telegraphic communication he expects every moment from his government, and gives the honorable Secretary of State a complete assurance that there will not be any delay that can be possibly avoided.

The undersigned avails, &c.,

JOSÉ POLO DE BERNABÉ.

No. 709.

*Mr. Fish to Admiral Polo de Bernabé.*DEPARTMENT OF STATE,
Washington, December 2, 1873.

The undersigned has the honor to acknowledge the receipt of the note of Admiral Polo de Bernabé, envoy extraordinary and minister plenipotentiary of the republic of Spain, of the 1st instant, informing the undersigned that he has not yet received certain instructions from his government at Madrid to arrange the details for the fulfillment of the agreement made for the surrender of the *Virginus*, her surviving passengers and crew, &c., and assigning reasons for the delay on the part of his government in carrying out its engagements in that respect, has been unavoidable and will undoubtedly be brief.

The undersigned is instructed by the President to say that the delay appears, from Admiral Polo's statements, to have been unavoidable; but the sufficient reasons which have caused it will doubtless cease in a few hours, and the President will then rely upon the immediate execution of the agreement to complete the arrangement of the details for the surrender forthwith of the vessel and of the survivors of her passengers and crew, and for the salute to the flag of the United States.

Accept sir, &c.,

HAMILTON FISH.

No. 710.

*Mr. Fish to Admiral Polo de Bernabé.*DEPARTMENT OF STATE,
Washington, December 4, 1873.

ADMIRAL: Referring to my note of the 2d instant to you, respecting delay in executing the engagements on the part of your government, undertaken in the conference protocolized by us on the 29th ultimo, I have now to say that I have received from General Sickles a cable-dispatch, stating that President Castelar has informed him that powers have been sent to you to agree upon the place, day, and hour of the delivery of the *Virginus*, &c., to the United States. I have, therefore, the honor to state that I am prepared to forthwith execute the agreement respecting the same on the part of the United States, which, by its terms, should have been executed on the 1st instant, but which has been extended until now at the request of Spain.

May I beg you to name an hour to-day when you will be prepared to meet me for that purpose?

I have the honor, &c.,

HAMILTON FISH.

No. 711.

*Admiral Polo de Bernabé to Mr. Fish.*LEGATION OF SPAIN,
Washington, December 4, 1873.

The undersigned, minister plenipotentiary of Spain, has had the honor to receive the note which the honorable Secretary of State of the United

States was pleased to address to him under date of to-day, requesting him to appoint a certain hour of this very day for the purpose of discussing the conditions of time and place for the surrender of the *Virginus* to the United States, &c., &c., in virtue of the powers which have been conferred upon the undersigned for this purpose, according to information received by telegraph from the minister of the United States at Madrid.

The undersigned has, indeed, been authorized by his government to treat concerning the settlement of the points above referred to, but since he is at the same time instructed (as could not have been done otherwise) to proceed in this matter in conjunction with the superior authority of the island of Cuba, the undersigned has referred the matter to his government, and as soon as he shall have received a reply he will place himself at the disposal of the honorable Secretary of State for the purpose in question.

The undersigned avails, &c.,

JOSÉ POLO DE BERNABÉ.

No. 712.

Agreement between Hamilton Fish, Secretary of State, and Admiral Polo de Bernabé, envoy extraordinary and minister plenipotentiary of Spain.

On this 8th day of December, 1873, Hamilton Fish, Secretary of State of the United States, and Admiral Polo de Bernabé, the envoy extraordinary and minister plenipotentiary of Spain, met for the purpose of arranging and determining the time, manner, and place for the surrender of the *Virginus*, and the survivors of those who were on board of her at the time of her capture; and also the time, manner, and place for the salute to the flag of the United States, if there should be occasion for such salute—in accordance with the stipulation in the protocol signed by them on the 29th day of November last—the time within which such arrangement was to have been made having been extended at the request of the Spanish government.

It is arranged and agreed as follows:

I. That the *Virginus* shall be surrendered and restored by a Spanish vessel of war to a vessel of war of the United States in the harbor of Bahia Honda, on the 16th day of December instant, between the hours of eight in the morning and four in the afternoon, the *Virginus* to have the flag of the United States flying at her main-peak or flag-staff at the time of the surrender; but the fact of the vessel being restored with the flag flying shall not be taken as an admission by either party of the right of the vessel to carry the flag at the time of the capture; nor shall it prejudice the right reserved to Spain to prove, on or before the 25th of December instant, that the vessel was not entitled to carry that flag, and was carrying it at the time of her capture without right and improperly; nor the presentation of the reciprocal reclamations as provided in the said protocol. Should any accident prevent the arrival of the United States vessel in the port of Bahia Honda on the day above named, the surrender and restoration of the *Virginus* shall take place in the same port as soon as may be after the arrival there of the United States vessel.

II. That the survivors of those who were on board of the *Virginus* at the time of her capture shall be surrendered to and safely escorted

on board of a vessel of war of the United States in the harbor of Santiago de Cuba within forty-eight hours after the notification to the authorities of the place of the arrival there of such vessel and that such vessel is ready and prepared to receive such survivors. The said survivors are to be surrendered as above between the hours of eight in the morning and four in the afternoon.

III. That on the 25th day of December current a vessel or vessels of war of the United States will be in the harbor of Santiago de Cuba, and that at the hour of 12 meridian the United States flag is to be raised on a Spanish fort or battery, and a salute of twenty-one guns to be fired. This being done, the United States vessel, or, if there be more than one, one of them, will raise the Spanish flag, and return the salute, gun for gun. But if the commanding officer of the United States vessel in the harbor of Santiago de Cuba shall, on or before that date, have received notice that the conditions have been reached on which, according to the protocol between the undersigned of the 29th of November last, the salute to the flag of the United States is to be spontaneously dispensed with, he will notify the authorities of the place of that fact, and the ceremony of the salute to the flag in such case will not take place.

HAMILTON FISH.

JOSÉ POLO DE BERNABÉ.

No. 713.

Admiral Polo de Bernabé to Mr. Fish.

LEGATION OF SPAIN,

Washington, December 10, 1873.

As a result of the protocol signed at Washington on the 29th of November last, relative to the case of the *Virginus*, the undersigned, envoy extraordinary and minister plenipotentiary of Spain, has the honor to transmit herewith to the Secretary of State of the United States various authenticated documents, which prove, in the opinion of the undersigned, that the steamer *Virginus* had no right, at the time of her capture, to use the flag of the United States.

The documents referred to are a certified copy of the papers relative to the said steamer, in the archives of the New York custom-house, which were used for the purpose of clearing the vessel at that port on the 4th of October, 1870; affidavits of Shepperd, Bowen, and Smith, persons who have commanded the *Virginus* since her departure from New York, and during a part of her illicit career in the Caribbean Sea and its neighborhood; the affidavit of Greenwood, engineer on board during a part of the same time; and those of Murphy, McCann, Gallagher, Rawlings, and Furlong, seamen or firemen, together with the affidavit of Varona, the so-called secretary or chief of staff of General Quesada, so-called, who appears to have been the person who really controlled the vessel from the date of her departure from the United States in 1870, and during most, if not all, the time which elapsed between that date and her capture.

All this proof has been taken after a notice to the Department of State, in which the undersigned pointed out the propriety of the attendance of a person appointed for the purpose to examine the witnesses,

as he might think fit, on the part of the United States, which was done accordingly.

Together with the depositions taken in the city of New York, the undersigned also transmits to the honorable Secretary of State the original and a translation of proof taken at Santiago de Cuba, on the 26th of October, 1871, before the consuls of the United States and of Venezuela, and given by two persons who were on board the *Virginus* at the time that vessel landed in Cuba a military expedition commanded by Raphael Quesada, about the 21st of July, 1871.

From an examination of the aforesaid documents the following facts appear to be sufficiently proved:

Toward the close of 1869, or at the beginning of 1870, the leader of the Cuban insurrection created a mission, called "foreign," in the United States, the principal members of which were Manuel Quesada, in the quality of president, and Adolphus de Varona, secretary. Prior to the time adverted to the said leader had sent one Morales Lemus in the character of a diplomatic representative to the United States, in anticipation of the moment when the Federal Government might believe that the belligerent rights of the insurrection should be acknowledged.

The object and the character of the mission of Quesada were not diplomatic, but aimed at the creation in the United States of a financial, naval, and military center, whence material aid might be dispatched to the insurgents. He was also intrusted with the purchase of arms and munitions of war, with authority to enlist men to act in hostility to a country with which the United States were in relations of the most perfect peace, friendship, and good faith. Quesada arrived at New York in February or March, 1870, and held interviews with different Cuban associations, clubs, or meetings, organized in the United States to aid the insurrection in Cuba by means of pecuniary and other assistance.

Even in advance of the departure of Manuel Quesada from Cuba, two military expeditions from New York had landed in that island, one in the steamer *Perit*, under the command of the so-called General Jordan, and the other in the *Salvador*, with Raphael Quesada, brother of Manuel, and both composed of a large number of men, provided with arms and munitions.

In discharge of the functions of his mission adverted to, General Jordan, a citizen of the United States and one of the persons comprising the expedition, was selected by Quesada to organize the military forces of the insurgents, and at the proper time Jordan returned to the United States after having been relieved by Agramonte.

One of the results of the mission of Quesada and of the other Cuban associations in the United States was the collection of a large sum of money, by means of individual subscriptions and by the sale, in this country, of the so-called Cuban bonds, which sum was placed in the hands of one Castillo, appointed treasurer of the said funds, whose residence was at New York. In the sequel a board of directors was appointed, which controlled the expenditure of the money, the purchase of arms and vessels, and the enlistment of men.

Among the members of the club were H. Raymond, Martinez, José Maria Mora, Plutarch Gonzalez, and others, who then were and now are residents of the city of New York. With the money collected as has been stated, and controlled by the Cuban agents of the insurrection, the steamers *Florida* and *Virginus* were purchased. The latter vessel, built in England, became the property of the United States by capture as a blockade-runner while attempting to enter the southern

ports of this republic, and again upon a subsequent occasion in the settlement of a debt. Her nominal purchaser, who on the 27th of August, 1870, took from the United States Treasury Department a *pro forma* proprietary title, was a person named John F. Patterson, then and now a resident of the city of New York. It does not appear to be clearly shown by the depositions and other accompanying documents whether Patterson bought the steamer as agent of said insurgent Cubans, or whether he did it in his own name, afterward transferring it to the latter.

The undersigned, however, has reason to believe that when a thorough examination of all the circumstances shall have been made, it will appear that he did not make the purchase, except in the character of agent, as above expressed. At the time of the sale, the steamer was at the Washington navy-yard, and one J. K. Roberts, of New York, in September, 1870, employed Captain Shepperd to navigate her from that navy-yard to the port of New York; which service was performed in the course of that month, Roberts having stated to Shepperd that he had bought the vessel of the United States Government on account of certain Cubans, among whom he mentioned José Maria Mora, of the city of New York, and the so-called General Quesada; that the Cubans had furnished the money for the purchase, and afterward for the repairs and finishing-work on board at the city of New York. And about two weeks after her arrival at that port Roberts stated to Shepperd that the steamer was the property of Mora, Quesada, and other insurgent Cubans, and that she was going to be employed in landing expeditions in Cuba and in other enterprises in the interest of the Cuban insurgents; and Roberts asked Shepperd if, under such circumstances, Shepperd was disposed to take command of the steamer; and when Shepperd wished to inform himself further touching the true character of the business, Roberts answered that he should be presented to Mora and Quesada, which introduction took place the same evening at Mora's house, in the city of New York; Quesada, Patterson, Adolf Varona, and various other Cubans being present. At the aforesaid interview, Mora and Quesada declared frankly to Captain Shepperd that they were owners of the vessel, and, for the purpose of persuading him to take command of the *Virginus*, Mora stated to him that there would be various opportunities for making money offered to him, by means of the capture and confiscation of Spanish vessels and their cargoes on the high seas. Varona, Quesada's secretary, testified that the sum paid for the vessel proceeded from the insurrectionary funds, and amounted to about \$15,000, and that both the fact of the purchase, as well as that of the payment, were well known at the club of the Foreign Mission, as also the fact that the cargo of the schooner Billy Butts, which vessel, by a preconcerted arrangement, met the *Virginus* near the island of Curaçoa, in November, 1870, was bought with funds of the same origin. If, indeed, evidence of these allegations does not appear to be fully established in the depositions to which reference has just been made, the undersigned relies for the conviction of the Secretary of State, or any legislative or judicial tribunal, or any committee of Congress empowered to compel the attendance of witnesses, and upon their answers to proper questions, which would easily show that Patterson, the supposed owner of the *Virginus*, received \$15,000 for her in United States currency, a large sum in so-called Cuban bonds, and a further compensation for his agency in obtaining a register and a clearance in his name from the New York custom-house, and for the purpose of appearing in the false and fraudulent character of her true

owner during her piratical enterprises against Spain. The principal persons who were concerned in the purchase of the steamer, such as Quesada, Gonzalez, Martinez, and various others, are now in the city of New York, within the jurisdiction of this Government, and within easy reach of the exercise of its sovereignty; while, on the other hand, neither the undersigned nor the government which he represents enjoys, in this country, any power to compel true answers to be given in investigations for the purpose of exposing the true history of the purchase of the steamer and her clearance from the port of New York.

The *Virginus* left that port, pursuant to what is said above, about the 4th of October, 1870. The annexed custom-house papers declare that she carried no cargo, and, after the most particular inquiries, the undersigned has found no indication that any insurance was effected on the vessel, conformably to the usual practice for merchant-vessels or honest transports. General Quesada, Varona, Eloy, Camacho, Domingo Mora, (son of José Maria Mora, to whom reference has already been made,) and various other Cubans who took passage on board of her, did not embark at the wharf, as is customary for honest passengers, but overhauled her at sea in the lighter *Virginia Seymour*.

During the voyage to Curaçoa, having descried a merchant-vessel, and believing it to be Spanish, Quesada proposed to Captain Shepperd, through Alfaro, that the said vessel should be captured, and the scheme was only abandoned when it was noticed that the vessel was sailing under the English flag. In the vicinity of the island of Curaçoa, the cargo of arms and munitions of war from New York in the schooner *Billy Butts* was transferred to the *Virginus* under the direction of Quesada, and the steamer proceeded to Puerto Cabello; meanwhile Varona went in the schooner toward the island of Cuba, and sought, as he declares, to put himself in communication with Cespedes, for the purpose of obtaining for Quesada an appointment making him sole representative of the material interests of the insurrection in the United States.

During the whole of the passage from New York to Puerto Cabello, the captain of the *Virginus* recognized Quesada as owner of the steamer, and as a superior whose orders he must obey.

Varona testifies that during the voyage, in the name of General Quesada, he informed Shepperd that the steamer really belonged to them and not to Patterson or to any one else, giving him by this to understand that she belonged to the Cuban club; and the witness added that his personal expenses were to be paid from the same funds which had been used to buy the steamer.

Captain Shepperd left the *Virginus* at Puerto Cabello, and about the middle of November, 1870, returned to the city of New York, where he had interviews with Patterson and with Mora, the former having stated to him that he ought to have brought the vessel to New York, taking advantage of the title which he had in his possession. Shepperd imparted this indication, in a measure, to Mora, who denied that Patterson was the real owner of the vessel, in proof of which he showed him receipts for the purchase-money and for the finishing and repairing done at the port of New York before the voyage, given in favor of Mora.

Patterson subsequently expressed to Shepperd his regret that he had permitted his name to be used in connection with the ownership of the vessel, and Roberts also told Shepperd that the vessel would have to sail as the property of an American, because the Cubans could not own a vessel of that nationality.

Captain Shepperd declares that on various occasions he had conver-

sations with the consuls of the United States at Curacoa, Laguayra, and Puerto Cabello, in relation to the ownership and destination of the *Virginus*, and that the consul at Puerto Cabello requested him to make a statement in regard to a rumor which had reached his ears, to the effect that the steamer was going to serve in a revolution then in progress in Venezuela; Shepperd did so in a letter dated December 9, 1870, in which he proposed to state, as he declares, under oath, that such was not, to his certain knowledge, the object of the persons interested in the vessel, nor would he have to render any such service while in command.

The entire testimony of Captain Shepperd, as regards his conversations with these different consuls of the United States, leaves the impression that they were not ignorant of the real ownership and the real destination of the vessel, while they wished to see nothing but her papers certified by the collector of customs at New York.

After the arrival of the *Virginus* at Puerto Cabello, a conference was held with the accredited representatives of Guzman Blanco, who was then at the head of one of the contending parties of that state, at a place on the beach not far from the *Virginus*.

To this place Quesada was brought in a boat from the *Virginus*, which carried the insurgent flag of Cuba, and after this the principal part of the cargo of arms and munitions of war was conveyed from the steamer to a fort that was near. Before this took place, Captain Smith having abandoned the steamer, one Marquez, the chief engineer, who had shipped in New York, was made what the witness calls the paper-captain, because he was no seaman, while the real command was held by a Cuban named Eloy Camacho, who likewise shipped at New York, in company with Quesada, from the *Virginia Seymour*. The vessel was at once set to work transporting Venezuelan troops along that coast, in the interest of Guzman Blanco; and afterward the assistant engineer, Greenwood, having gone, by order of Quesada, on board of a Venezuelan vessel-of-war which was in that port, the *Virginus* towed said vessel-of-war out to sea, and assisted in the capture of a flotilla of armed schooners belonging to the party that was contending against Guzman Blanco, and while this capture was in progress the *Virginus* hauled down the American flag and hoisted that of Venezuela in its stead.

The most brilliant exploit performed by the *Virginus* after the aforesaid incident was the landing of a military expedition on the coast of Cuba, the details of which are given in the depositions taken at Santiago de Cuba by the consuls of the United States and of Venezuela.

At a subsequent period of her career, in April, 1872, she is found at Aspinwall, where Captain Bowen, whose testimony forms a part of the accompanying documents, took command, having been commissioned for this purpose by Manuel Quesada and his chief executive officer, Pedro Alfaro, who distinctly stated to him that she was intended to be used in landing military expeditions on the island of Cuba. Captain Bowen remained in command of her for two or three months, and during that time he never knew or recognized any other owners than the Cubans.

When he went on board as captain, the vessel had no American flag, and he bought one himself.

Bowen, in his testimony, clearly expresses the conviction that the consul or consular agent of the United States at Aspinwall was only too well aware of the true character of the vessel and the kind of business in which she was engaged.

While Bowen was in command at Aspinwall, an incident occurred

affecting the ownership of the steamer, and throwing a great deal of light upon the real ownership as well as upon the absence of all direction of or interest in its acts on the part of Patterson. A considerable debt had been incurred for repairs and provisions, and on this account Captain Bowen states that he gave to a business house at Aspinwall and Curaçoa, whose owners were known to be agents of Quesada and the Cubans, a mortgage on the vessel in his own name, as captain. This he did not do, as he states, in the exercise of his discretionary powers as the captain of a merchant-vessel, but he acted solely in obedience to the orders of Quesada. He made no arrangement with Patterson in relation to the matter, nor did he ever inform him of the transaction until his arrival in New York, when he told him of it, altogether casually, in the course of conversation. It is probable that this mortgage would not have been given if Bowen had considered Patterson as the owner, or if Quesada had been only the freighter of the vessel; and the reason why Quesada neither signed nor executed the mortgage as the owner, doubtless was that, had he done so, the American consul and everybody else would have seen that the papers of the vessel, which declared that Patterson was her owner, were incorrect and fraudulent. The mortgage for payment subsequently in part at Puerto Cabello by Quesada and the English consul at that place, who acted as the agent of Mahl Brothers, who were obligated by the mortgage; and for the rest of the sum that was due, a new mortgage was executed, the old one being canceled by the then captain of the steamer, Smith, who, as had been done on the former occasion, acted according to Quesada's instructions, there having been no communication on the subject with Patterson in New York, save in the case of the mortgage signed by Bowen.

Bowen leaves no room for conjecture as regards his own belief concerning the ownership of the *Virginus*; he openly declares his belief that the vessel was owned by Cubans, although sailing under the American flag and calling herself a United States vessel. This individual left the steamer at Puerto Cabello, where Captain Smith took command, having been engaged by Quesada, as his predecessors had been, without having had any communication concerning the vessel, either directly or indirectly, with Patterson.

He gives a detailed account of his departure from that port; of what was said to him by Quesada or Alfaro with regard to converting the vessel into a privateer and capturing Spanish merchant-vessels on their way to Maracaibo. He also states how and when he took Pulgar and his followers on board, and speaks of the habitual use which he made of the Venezuelan flag. He says that he only had one American flag on board, while he had six of the so-called Cuban flags. He states what occurred on board on the anniversary of the rising at Yara, and finally states that he obeyed the directions of Quesada and no one else, and expresses his conviction that the vessel was owned by Cuban insurgents, and that Patterson had no sort of interest in her.

The testimony sent with the present note concludes at the time that Captain Smith gave up the command of the *Virginus*; but from that moment her operations in the landing of a military expedition on the coast of Cuba, and subsequently up to the time of her capture by the *Tornado*, are matters of public notoriety.

By the light afforded by the foregoing statement, based upon the authenticated testimony of persons who have been on board of the *Virginus*, the invalidity of the documents with which the vessel was dispatched in the port of New York is very clearly seen.

The United States, in conformity with their views of what is required

by international interests, have enacted laws and established rules and conditions for identifying and determining the nationality of vessels carrying their flag. These rules and conditions treat, among other things, of the place of building; of the nature and domicile of the owners, officers, and crew, and of the formalities with which the papers are to be issued. The laws of the United States are very strict as regards that which constitutes national character, as is well known both to navigators and to writers who treat of this part of law.

One of these laws provides that "previous to the registry of any vessel or ship, the husband, or acting and managing owner, together with the master thereof, and *one or more sureties*, to the satisfaction of the collector of the district whose duty it is to make such registry, shall become bound to the United States, if such ship or vessel shall be of burden exceeding three hundred tons, in the sum of two thousand dollars, with condition, in each case, that the certificate of such registry shall be solely used for the ship or vessel for which it is granted, and shall not be sold, lent, or otherwise disposed of to any person or persons whomsoever; and that if any foreigner, or any person or persons for the use and benefit of such foreigner, shall purchase, or otherwise become entitled to the whole, or any part or share of or interest in such ship or vessel, the same being within a district of the United States, the said certificate shall, in such case, within seven days after such purchase, change, or transfer of property, be delivered up to the collector of the said district; and that if any such purchase, change, or transfer of property shall happen when such ship or vessel shall be at any foreign port or place, or at sea, then the said master, or person having the charge or command thereof, shall, within eight days after his arrival within any district of the United States, deliver up the said certificate to the collector of such district." (U. S. Stat. at Large, vol. 1, p. 290.)

If the inclosed papers of the *Virginus* be attentively examined, it will be seen that the bond required by the law previous to the registry is only signed by the ostensible owner, Patterson, and by Captain Shepherd, but that the signatures of the sureties required by the law are wanting. The burden of the *Virginus* being more than three hundred tons, the sum which ought to have been pledged according to the law is \$2,000, and it is very easy to see why she could not or would not procure the required sureties; whether a transfer of the *Virginus* was made to the Cuban insurgents previously to the registry, it being agreed that she should be allowed to use said American registry; or, after having obtained her registry, it was agreed to make a transfer to them of the whole or a part of the vessel.

The undersigned will not now stop to examine whether, according to the law of the United States, the want of said sureties did not invalidate the registry of the *Virginus* so far as to deprive her of the protection of the United States flag. He only purposes now to call attention to the fact that the lack of sureties confirms the evidence that the vessel had been transferred, directly or indirectly, through Patterson, to foreigners who never had any intention to bring it back to the United States.

It may be confidently asserted that Patterson did not intend, either in case the Cuban insurgents should acquire the whole or a part of the ownership *before the vessel left New York*, or in case of the transfer being effected *after her departure from the port*, that her captain should return the certificate, as provided by the law, within eight days after his return to the United States, and he therefore took good care to furnish no surety that he would do so.

The undersigned does not see how the Secretary of State of the United States can doubt that it was the intention of Patterson, and the Cuban conspirators who were associated with him, fraudulently to obtain from the collector of customs at New York certain formalities on papers which should be just sufficient to enable them to clear the vessel, and which, in foreign ports, might furnish a plausible pretext to the consuls of the United States to dispatch her. In proof of this it will be observed that no number was designated for the *Virginus*, (as provided by the act of Congress of July 28, 1866,) up to February 21, 1872, and that, when a number was then designated, it was not done in virtue of an application addressed by the owner or captain to a collector of customs, as required by the regulations of the Treasury Department. This circumstance tends to prove, in the judgment of the undersigned, that the true owners of the vessel had no interest in assuring to themselves the protection to their property which is provided by the laws of the United States, in that it is marked with all clearness that if, at any time, a registered vessel ceases to have the number to which she makes reference, said vessel will cease to be recognized as a vessel of the United States.

The undersigned does not propose, on this occasion, to make an examination of the conditions which may be required, and of the elements which may at all times be necessary to establish the nationality of a merchant-vessel of the United States. He cannot do less, however, than to call attention to a declaration of the Supreme Court of the United States, according to which "the object of a register is to make manifest the nationality of a vessel which is engaged in trade with foreign countries, and to furnish her a means of making evident that nationality wherever she may be found."

What effects can be assumed or what respect paid to a register obtained in fraudulent violation of the laws of the United States, or used subsequently with manifest infraction of said laws, when the transfer of the proprietorship of the vessel to a foreigner has been accomplished?

The same eminent tribunal has likewise declared, at a period not more remote than the month of December, eighteen hundred and sixty-eight, that "the vessels of the United States are the creatures of the legislation of Congress," and that "vessels that are not within the terms of the acts of Congress, and have not a right to the benefits and privileges which the same confer, have no more value as respects American vessels than the wood and iron which have served for their construction; their true value, if not their complete and total value, consists in their right to the character of national vessels, and to enjoy the protection of the national flag hoisted at their mast-heads."

On another occasion the presiding judge of the Supreme Court (Chief-Justice Marshall) decreed that "in cases of alienation to a foreigner, the privileges of an American hull are *ipso facto* annulled."

Another case emanating from the most elevated tribunal of this country will be found on page 227 of the 9th volume of Wheaton, in which the judgment pronounced appears so exactly applicable to the case now under discussion, that the undersigned cannot omit to call to it the attention of the Secretary of State.

A vessel called the *Margaret* obtained a register at the port of Baltimore, and subsequently was transferred in Cuba, by edict, to a Spanish subject domiciled in that island, after which she sailed for Baltimore with her American documents.

On the institution of proceedings of confiscation against the vessel, in virtue of section 16 of the act of 1792, relative to registers, the

defense relied on the circumstance that the transfer to a Spanish subject had been effected with the sole object of evading the Spanish customs-laws, and that the real American ownership had not undergone an exchange *bona fide*. The court expressed itself in these terms:

But even supposing that the only object of the transfer was the perpetration of a fraud against the laws of Spain, it was, nevertheless, an act which bound the parties and changed the legal ownership. It was, within the terms of the law, a complete transfer to a foreign subject, by way of trust and confidence, the nature of the confidence requiring that there should be a reconveyance to the American owner when the special ends of the first transfer had been carried fully into effect. We are in nowise disposed to admit that a reconveyance would be decreed in any American court of justice in a transaction of this character with a foreign subject, in a foreign port, in violation of the laws of this country; it is sufficient for us, however, that the transaction is within the very terms of the act of Congress, which does not require a sale in good faith, but an exchange of ownership "by way of trust, confidence, or otherwise." But we are told that the case is not comprised within the intention of the act. What that intention is can only be known by the terms in which the act is drawn; and every part of it evinces the great solicitude of the legislative body to discover and examine every change of ownership, for which purpose the act requires a public declaration of the change and its verification in the vessel's papers, which make apparent at all times the names of the legitimate owners. The manifest intention of these laws is to encourage American navigation [to the exclusion of] foreign ownership, and of securing to American vessels, duly registered, a preference in all our fiscal transactions over every vessel not having strictly a right to that character. The legislature foresaw that it would be impossible for the agents of the government to ascertain the secret intentions of individuals or the object of a transfer of ownership. The question of whether such transfers had been made in good faith, or had merely served to cover an illicit purpose, was a matter which had to be left to the confidence of private persons, and could rarely be verified by competent and disinterested proof. To consent to secret conveyance of ownership to any persons, and especially to foreigners, and to allow vessels at the same time to retain all the benefit of American character, would put at hazard and might frustrate the main object of the act, and give place to all sorts of contrivances to evade the laws and place it out of the power of the Government to expose the fraud. There can be no doubt, therefore, as to what was the true purpose of the legislation, to wit: It was the establishment of clear and simple provisions of law, whereby it would be requisite for every transfer to be made known from time to time as it should occur, and to always give up the American documents when the legal ownership passed to a foreigner, whatever might be the secret conditions accompanying the conveyance. The terms of the section to which reference has been made are clear and positive, and so far from invalidating, they sustain most completely the intention of the act. They cannot, consequently, be interpreted in a more limited sense than that which their evident purport indicates.

It is plain to the undersigned that this authorized exposition of the law of the United States must destroy every effort and pretext on the part of Patterson, or any one else claiming to bear the name of that individual, to show that the register of the *Virginus* was valid and sufficient, or that said vessel had a right to use the American flag or papers at the time of her capture. Of a like character is the pretense that the conveyance to the Cubans did not deprive Patterson of the *legal* ownership, seeing that that conveyance was only made by way of trust or of charter of the steamer, with the view of withdrawing her from the use of the legitimate rights which Spain might have against her.

If, laying aside the municipal law, the honorable Secretary of State should allege that, in virtue of what was agreed on in the protocol of the 29th of November, 1873, Spain had contracted the duty of proving in a satisfactory manner to the Government of the United States that the *Virginus*, at the time of her capture, unduly carried the flag of the United States, agreeably to international law, the undersigned cannot but insist that, according to the accredited text of that law, as Spain was authorized, in view of the circumstances, to inquire into the national character of the *Virginus*, and the documents and annexed evidence demonstrate that the American nationality which she invoked was at

the time of her capture by the Tornado, and according to the rules of international law, spurious and untenable. In fact, the principles laid down by Phillimore, in his Treatise on International Law, demonstrate that Spain had, and has, the capacity of proving, if this can be done, that the flag and the documents of the *Virginus* were "false credentials, used for the purpose of disguising the true character of the vessel;" "and it is not a less important part," adds the same author, "of the ordinary labors of a prize-court to drag off this mask, and, the disguise being removed, to make appear in its true character an enemy's vessel."

Dana, the illustrious commentator on the Elements of International Law by Wheaton, puts forward the same ideas. He says:

Whenever a nation has the quality of assuring itself of the nationality of a merchant-vessel, whether she be hostile or whether she be pacific, the right that it has to proceed thus cannot be limited by the flag or by the papers which are used. In such a situation a country is at liberty to inquire what there is behind the nationality indicated by the flag and the papers, and to make inquiry as to the true nationality, which depends upon the domicile of the owner and upon other circumstances. In a case of this kind, the vessel may be considered as condemned by the fact of her having used a flag and papers to which she was not entitled, if the country making the inquiry has an interest in proving such illegality. This is usually done in time of war, and may be done in time of peace. The practice is equivalent to the application of a rule of conclusive presumption, and the decision as to whether it is to be adopted or not is regulated by national expediency. The vessel cannot ask for the application of the rule for its benefit: so that if it should appear that the papers and flag of any particular nation had been used with the consent of that nation, the vessel having been thereby invested, in a given case, with a false national character, such consent does not stand in the way of the right of the country making the inquiry, as regards the relation existing between the said nation and the owner of the vessel, to cast aside all consideration of the flag and papers, and to show the true nationality of the vessel. In case of interference on the part of the nation that gave the consent, the question would become a political one between the two nations.

In the opinion of the undersigned, whatever may be the turn taken in the discussion relative to the nationality of the *Virginus*, adjusted to the acknowledged precepts of international law, it would have to terminate in the consideration of what class are the vessels which the United States have permitted to use their flag and to shelter themselves under the immunities of its colors. All nations ought to know and to respect said laws, and the undersigned does not deny the prerogative which every sovereign state possesses to determine for itself the conditions of the nationality of its merchant vessels.

The undersigned has had occasion to call to mind the very significant circumstance of the owners of the *Virginus* not having taken out a policy of maritime insurance for the voyage which she undertook from New York on the 4th of October, 1870. Now, in case the United States had recognized or affirmed a state of belligerency between Spain and her insurrectionary citizens in Cuba, and the *Virginus* had been insured at New York against capture, arrest, detention, or impediment on the seas by any king, prince, or power, and that Patterson had guaranteed the vessel as a national vessel of the United States, would a tribunal, which was called to judge in conformity to the law of nations, have decided that the insurers had incurred the obligation of making good the losses experienced in consequence of her capture by the Tornado? And if the guarantee of Patterson had expressed that the vessel was American, and proof been given of it, if necessary, that he was in the city of New York, would a judicial tribunal, which in presence of the declarations on which this writing was founded, have declared that the vessel had truly the character which had been attributed to her, and that consequently the insurers would be obliged to pay?

The undersigned has the honor to show that, in virtue of the practice of all maritime nations, a guarantee of American nationality implies, first, that the vessel belongs in fact and in her totality to citizens of the United States at the time when the risk began; secondly, that said ownership had not passed into the hands of a foreigner, not even by way of trust; thirdly, that the vessel would have to go always provided with documents and other requisites which accredit in good faith the necessary elements of her true nationality.

In the case in question, the most positive proof exists that the *Virginus* has not been in the possession or at the disposal of Patterson as her sole and exclusive owner, even supposing that she ever was so, since October 4, 1870; but that, on the contrary, the direction of all her movements during the entire period which has elapsed has been in the hands of insurgent citizens of Spain, represented by Quesada and Alfaro.

It cannot be doubted that such a state of things, even were there no other circumstances, imposes upon Patterson the obligation to explain how and in what manner he transferred the control of the vessel to others, and by what legal documents, if any, and how it is, that a citizen of the United States has permitted the *Virginus* to be put to a use which, if he permitted it knowing what he did, renders him subject, according to the laws of his country, to fine and imprisonment.

The undersigned hopes that he has fully proved, by the foregoing considerations, and to the satisfaction of the honorable Secretary of State, that, according to the laws of the United States, in which are clearly and definitely laid down the conditions which must define the legal character of the nationality of their vessels, not only do there not exist such conditions in the case of the steamer *Virginus*, but that, at the time of her capture by the Spanish war-steamer *Tornado*, she was fraudulently using the papers and flag of the country whose protection she claims.

The undersigned avails, &c.,

JOSÉ POLO DE BERNABÉ.

[Inclosure 1.]

Bill of sale of registered vessel.

To all to whom these presents shall come, greeting:

(Signed) J. W. Graham, Asst. Register. Seal of United States Treasury. (Signed) W. B. Kellogg, Collector, by W. J. Brown, Act. D'y Collector. [Seal.] (Signed) James C. White, D'y Naval Officer. [Seal.]	Know ye that I, Everett C. Banfield, Solicitor of the Treasury of the United States, in pursuance of the authority conferred upon me by virtue of an act of Congress entitled "An act to provide for the appointment of a Solicitor of the Treasury," approved May 29, 1830, and "An act to prevent and punish frauds upon the revenue, to provide for the more certain and speedy collection of claims in favor of the United States, and for other purposes," acting for and in behalf of the United States, the owner of the steamer or vessel called the <i>Virgin</i> , of New Orleans, of the burthen of four hundred forty-one $\frac{84}{100}$ tons, or thereabouts, for and in consideration of the sum of nine thousand eight hundred dollars, lawful money of the United States of America, to the United States in hand paid, before the sealing and delivery of these presents, by John F. Patterson, of New York, the receipt whereof I do hereby acknowledge and am therewith fully satisfied, contented, and paid, have bargained and sold, and by these presents do bargain and sell, unto the said John F. Patterson, his executors, administrators, and assigns, the whole of the said steamer or vessel, together with the masts, bowsprit, sails, boats, anchors, cables, and all other necessities thereunto belonging; the certificate of registry of which said steamer or vessel is as follows, viz: Register No. 106, (one hundred and six,) permanent.
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An act of Congress of the United States.

In pursuance of an act of the Congress of the United States of America, entitled "An act concerning the registering and recording of ships or vessels," approved December 31, 1792, and of "An act to regulate the admeasurement of tonnage of ships and vessels of the United States," approved May 6, 1864, Miles T. Steele, of New Orleans, in the State of Louisiana, having taken or subscribed the oath required by the said acts, and having sworn that he is a citizen of the United States, and sole and only owner of the steamer or vessel called the Virgin, of New Orleans, whereof Miles T. Steele is at present master, and is a citizen of the United States, as he hath sworn, and that the said steamer or vessel was formerly a blockade-runner, and sold by Bureau of Refugees, Freedmen and Abandoned Lands, at the port of Mobile, February 14, 1866, as per register No. 18, issued and dated at Mobile, March 12, 1866, now surrendered properly and district changed; and said register, No. 18, having certified that the said vessel has one deck and one mast, and that her length is $216\frac{0}{10}$ feet; her breadth, $24\frac{5}{10}$ feet; her depth $10\frac{9}{10}$ feet; her height, 10 feet; that she measures four hundred forty-one $\frac{84}{100}$ ($441\frac{84}{100}$) tons, viz: capacity under tonnage-deck, $375\frac{82}{100}$ tons; capacity between decks above tonnage-deck, 100 tons; capacity of inclosures on the upper deck, viz: $66\frac{2}{100}$ tons; total tonnage, $441\frac{84}{100}$ tons; that she is a steamer, has a round stern and a scrawl-head. And the said Miles T. Steele having agreed to the description and admeasurement above specified, and sufficient security having been given, according to the said acts, the said steamer has been duly registered at the port of New Orleans.

Given under our hand and seal at the port of New Orleans, this 23d day of June, in the year one thousand eight hundred and sixty-six.

And the United States having acquired title to said vessel, registered as aforesaid, in the collection of a debt due the United States by bill of sale from the said Miles T. Steele, dated May 14, 1867, and recorded in the custom-house at New Orleans, in book A, page 20, the said register has not been surrendered or renewed.

To have and to hold the said steamer or vessel and appurtenances thereunto belonging unto him, the said John F. Patterson, his executors, administrators, and assigns, to the sole and only proper use, benefit, and behoof of him, the said John F. Patterson, his executors, administrators, and assigns forever. And I, the said E. C. Banfield, Solicitor of the Treasury, as aforesaid, have, and by these presents do promise, covenant, and agree, for and in behalf of the United States, to and with the said John F. Patterson, his heirs, executors, administrators, and assigns, to warrant and defend the said steamer or vessel, and all the other before-mentioned appurtenances, against all and every person and persons whomsoever claiming by, from, or under the United States.

In testimony whereof, the said Everett C. Banfield, Solicitor of the Treasury, has hereunto set his hand and seal this 27th day of August, in the year of our Lord one thousand eight hundred and seventy.

[SOLICITOR'S SEAL.]

E. C. BANFIELD,
Solicitor of the Treasury.

Signed, sealed, and delivered in presence of—

J. H. ROBINSON.

H. C. WHITLEY.

[United States internal-revenue stamp here.]

DISTRICT OF COLUMBIA, ss:

Personally appeared before me, a notary public in and for the District aforesaid, Everett C. Banfield, Solicitor of the Treasury of the United States, and acknowledged the within bill of sale to be his free act and deed.

In testimony whereof I have hereunto set my hand and seal of office the seventh day of September, in the year one thousand eight hundred and seventy.

[SEAL.]

N. CALLAN,
Notary Public.

Received and recorded September 26, 1870, 2½ o'clock p. m.

T. W. J. SIZER
R. Clerk.

DISTRICT AND PORT OF NEW YORK,
Collector's Office.

I hereby certify the within to be true copy of the original on record in this office. Given under my hand and seal this 20th day of November, 1873.

[Seal of the collector of the port of New York.]

A. PUFFER,
D. Collector.

PORT OF ———, *District of ———*, ss:
No. 14.—25851.

I, John F. Patterson, of the city, county, and State of New York, do solemnly swear, according to the best of my knowledge and belief, that the ship or vessel called the

Virginus, of New York, is of the burthen of $441\frac{84}{100}$ tons, and was formerly the steamer Virgin, and sold by order and on account of United States Government, as per copy of register No. 106, issued at the port of New Orleans 23d June, 1866. Now canceled. Property changed.

That my present place of abode or residence is New York, and that I am a citizen of the United States, and the true and only owner of the said ship or vessel, and there is no subject or citizen of any foreign prince or state directly or indirectly, by way of trust, confidence, or otherwise, interested therein, or in the profits or issues thereof, and that F. E. Shepperd is the present master or commander of the said ship or vessel.

JOHN F. PATTERSON.

Sworn to this 26th day of September, 1870.

W. A. MORRIS,
Deputy Collector.

I, F. E. Shepperd, the present master of the above-mentioned vessel, do solemnly swear that I am a citizen of the United States, having been born in Forsyth County, State of North Carolina.

F. E. SHEPPERD.

Sworn to this 4th day of October, 1870.

W. A. MORRIS,
Deputy Collector.

Know all men by these presents that we, John F. Patterson, F. E. Shepperd, are held and stand firmly bound unto the United States of America in the full and just sum of two thousand dollars, to which payment, well and truly to be made, we bind ourselves, our heirs, our executors, and administrators, jointly and severally, by these presents. Witness our hands and seals this 26th of September, one thousand eight hundred and seventy.

The condition of the foregoing obligation is such, that, whereas, Thomas Murphy, collector of the district of ———, has issued and granted a certificate of registry in the manner prescribed by the act entitled "An act concerning the registering and recording of ships and vessels," for the steamship called the Virginus, of New York, burthen $441\frac{84}{100}$ tons, whereof ——— is at present master, which certificate is dated this day, and numbered 14:

Now, therefore, if the said certificate of registry shall be used for the said vessel for which it has been granted, and shall not be sold, lent, or otherwise disposed of, to any person or persons whomsoever, and in case the said vessel shall be lost, or taken by an enemy, burnt or broken up, or shall be otherwise prevented from returning to the port to which she belongs, if the said certificate (if preserved) shall, within eight days after the arrival of the master or person having charge or command of the said vessel within any district of the United States, be delivered up to the collector of such district; or if any foreigner, or any person or persons for the use and benefit of such foreigner, shall purchase or otherwise become entitled to the whole or any part or share of or interest in the said vessel, the same being within a district of the United States, if the said certificate shall, with seven days after such purchase, change, or transfer of property, be delivered up to the collector of said district, or if such purchase, change, or transfer of property shall happen when the said vessel shall be in any foreign port or place, or at sea, if the master or person having the charge or command thereof shall, within eight days after his arrival within any district of the United States, deliver up the said certificate to the collector of such district, then the said obligation shall be void, and of no effect; but otherwise shall remain in full force and virtue.

JOHN F. PATTERSON. [L. S.]
F. E. SHEPPERD. [L. S.]

Signed, sealed, and delivered in the presence of—

S. P. I. C. R. Deck, 1; mast, 1; length, 216; breadth, $24\frac{5}{8}$; depth, 10.9; height,

Under tonnage-deck.....	375.82
Between decks above deck.....	.....
Inclosures on upper deck.....	66.02
Total	441.84

Steamer R. S. Scroll. S. Iron.

B. F. WYMAN,
JAS. HAGGERTY,
Deputy Collectors.

DISTRICT AND PORT OF NEW YORK,
Collector's Office.

I hereby certify the within to be a true copy of the original on record in this office.
Given under my hand and seal this 18th day of November, 1873.

[SEAL.]

R. WYNKOOP,
Deputy Collector.

F. W. J. S.
Fees 50 cents.
G.

[Inclosure 2.]

List of persons composing the crew of the steamer Virginus, of New York, whereof Shepperd is master, bound for Curaçoa.

Names.	Places of birth.	Places of residence.	Of what country citizens or subjects.	Aged.	Description of their persons.		
					Height.	Complexion.	Hair.
					ft. in.		
H. Marquis.....	New York.....	New York.	United States	36	5 8	Light...	Light.
Ed. Greenwood	do	do	do	29	5 9		
James E. Fox	do	do	do	39	5 7		
Walter Robinson.....	Georgetown, D. C.	do	do	37	5 10		
William Quigley	Washington	do	do	32	5 6		
Thomas Gallagher.....	Ireland	do	do	37	6 2		
Andrew Cox	do	do	do	29	6 0		
Goerge W. Miller.....	New York.....	do	do	25	5 8		
Daniel Shea	Ireland	do	do	26	5 6		
Stephen Cox	New York.....	do	do	26	6 2		
Peter Myers.....	Ireland	do	do	32	5 4		
Ambrose Rowling	New York.....	do	do	25	5 9		
Thomas Bowers	do	do	do	27	5 6		
Ed. Dooly	Boston	do	do	27	5 8		
Hugh Green	Ireland	do	do	18	5 9		
Michael McCarty	do	do	do	24	5 3		
John McCormack	New York.....	do	do	21	5 9		
Daniel Bassett.....	do	do	do	15	4 11		
Thomas Griffiths	do	do	do	42	5 9		
William Fisk	Sweden	do	do	54	5 9		
Frank Zumann.....	Prussia	do	do	30	5 7		
Thomas Anderson.....	Germany	do	do	32	5 7		
George Anderson.....	Norway	do	do	24	5 9		
William Johnson.....	Sweden	do	do	32	5 7		
Daniel Young	Delaware	do	do	33	5 6		
John Maximore	New York.....	do	do	44	5 11		
William Augabur	Hamburg	do	do	32	5 7		
Solomon W. Johnson	New York.....	do	do	27	5 9		
Ed. Rogers.....	do	do	do	53	5 4		
Dolan Stoker.....	Philadelphia	do	do	21	5 5		

F. E. SHEPPERD, *Master.*

STATE OF NEW YORK, ss:

I, Hy. Camerden, jr., public notary, do hereby certify that, on the day of the date hereof, before me personally came and appeared F. E. Shepperd, master or commander of the steamer Virginus, now about clearing out for Curaçoa, who, being duly sworn, did solemnly and sincerely declare that the above list contains the names of the officers and crew of the said steamer, together with the places of their birth and residence, as far as he hath been able to ascertain the same.

Given under my hand and seal of office, at the city of New York, this 4th day of October, 1870.

[SEAL.]

HENRY CAMERDEN, JR.,
Notary Public.

CITY OF NEW YORK, ss :

I, the undersigned notary public, do hereby certify that the within-named persons who compose the company of the within-mentioned steamer, whereof Shepperd is at present master, having produced to me proof in the manner directed by the laws of the United States, I do certify that the several before-mentioned persons are all citizens of the United States, except

In testimony whereof I have hereunto affixed my name and seal of office the 4th day of October, 1870.

[SEAL.]

HENRY CAMERDEN, JR.,
Notary Public.

DISTRICT AND PORT OF NEW YORK,
Collector's Office.

I hereby certify the within to be a true copy of the original on file in this office.
Given under my hand and seal this 20th day of November, 1873.

[SEAL.]

A. PUFFER,
Deputy Collector.

F. W. J. S.

Know all men by these presents that we, F. E. Shepperd, master or commander of the steamer called the Virginus, now lying in the district of New York, and Hy. Camerden, jr., are held and firmly bound unto the United States of America in the full and just sum of four hundred dollars, money of the United States, to which payment well and truly to be made we bind ourselves jointly and severally, our joint and several heirs, executors, and administrators, firmly by these presents, sealed with our seals, and dated this 4th day of October, in the year one thousand eight hundred and seventy. Whereas the above bounden master hath delivered to the collector of the customs for the district of New York, in the State of New York, a verified list, containing, as far as he can ascertain them, the names, places of birth, residence, and description of the persons who compose the company of the said steamer now lying in the said district, of which he is at present master or commander, of which list the said collector has delivered to the said master a certified copy:

Now, the condition of this obligation is such, that if the said master shall exhibit the aforesaid certified copy of the list to the first boarding officer at the first port in the United States in which he shall arrive on his return thereto, and then and there also produce the persons named therein to the said boarding officer, except any of the persons contained in the said list who may be discharged in a foreign country, with the consent of the consul, vice-consul, commercial agent, or vice-commercial agent there residing, signified in writing under his hand and official seal, to be produced to the collector of the district within which he may arrive, as aforesaid, with the other persons comprising the crew, as aforesaid, or who may have died or absconded, or who may have been forcibly impressed into other service, of which satisfactory proof shall be then also exhibited to the said last-mentioned collector, then and in such cases the above obligation shall be void, and of no effect; otherwise it shall abide and remain in full force and virtue.

F. E. SHEPPERD. [L. S.]
HY. CAMERDEN, JR. [L. S.]

Sealed and delivered in presence of—
F. W. J. SIZER.

DISTRICT AND PORT OF NEW YORK,
Collector's Office.

I hereby certify the within to be a true copy of the original on record in this office.
Given under my hand and seal this 18th day of November, 1873.

[SEAL.]

R. WYNKOOP,
Deputy Collector.

F. W. J. S. Fees, 20 cents.

[Twenty-five-cent internal-revenue stamp.]

[Inclosure 3.]

Report and manifest of the cargo laden at the port of New York on board the steamship *Virginus*, whereof Shepperd is master, (or conductor,) bound for Curaçoa.

[441 tonnage. 31 crew.]

Marks.	Nos.	Packages and contents.	Quantities—pounds, gallons, &c.	No. 1.—Value of domestic merchandise.	No. 2.—Value of foreign merchandise free.	No. 3.—Value of foreign merchandise from bonded warehouse.	No. 4.—Value of foreign merchandise not from bonded warehouse which has paid duties.	No. 5.—Value of foreign merchandise on the passage <i>in transitu</i> from one foreign country to another.	To be landed at—
	170	Barrels bread....	<i>Lbs.</i> 13,600	\$680	.....	.....	.....	.....	} Curaçoa.
	2	Boxes saddlery ..	.....	400	.....	.....	.....	.....	
	4	Trunks clothing ..	.....	350	.....	.....	.....	.....	

WOOD, NIEBUHR & Co., 18 EXCHANGE PLACE, New York, Oct. 4, 1870.

NOTE.—See instructions on the other side.

F. E. SHEPPERD.

[Int. rev. stamps, \$3.]

Master's oath on clearing outwards.

DISTRICT OF NEW YORK :

I, F. E. Shepperd, master or commander of the steamship *Virginus*, bound from the port of New York to Curaçoa, do solemnly, sincerely, and truly swear that the manifest of the cargo on board the said steamship, now delivered by me to the collector of this district, and subscribed with my name, contains, according to the best of my knowledge and belief, a full, just, and true account of all the goods, wares, and merchandise now actually laden on board the said vessel, and of the value thereof; and if any other goods, wares, and merchandise shall be laden or put on board the said steamship previous to her sailing from this port, I will immediately report the same to the said collector. I do also swear that I verily believe the duties on all the foreign merchandise therein specified have been paid or secured according to law, and that no part thereof is intended to be relanded within the United States, and that if, by distress or other unavoidable accident, it shall become necessary to reland the same, I will forthwith make a just and true report thereof to the collector of the customs of the district wherein such distress or accident may happen. I do furthermore swear that I have not received on board said vessel, and have not under my care or within my control, and that I will not receive and convey, any letters or letter-packets addressed to any foreign country which have not been delivered to me from the post-office, except such as relate to the cargo and are addressed to the owner or consignee of said vessel, or such as are inclosed in a United States stamped envelope of a denomination sufficient in amount to cover the United States postage legally chargeable thereon, if the same had been posted and transmitted by the regular mail. And said cargo is truly intended to be landed at the port of Curaçoa. So help me God.

F. E. SHEPPERD.

Sworn to before me this 4th day of October, 1870.

W. A. MORRIS,
Deputy Collector.

J. A. H.

INSTRUCTIONS.

The outward manifests must correspond in every particular with the special or part manifests.

Column number 1 should embrace all domestic merchandise, whether exported "in bond under the internal-revenue act or otherwise;" also, to include all manufactures from foreign products, such as cordage from foreign hemp, sugar refined from foreign sugar, coffee and spices having been ground or adulterated, &c., &c.

Column number 2 should embrace all foreign merchandise "free" or "not dutiable."

Column number 3 should embrace all foreign merchandise exported from "bonded warehouse," duties remaining unpaid, or which, having been paid, are "returnable as drawback."

Column number 4 should embrace all foreign merchandise on which the duties have been paid, which has left the custody of the officers of the customs, provided the condition of the merchandise has not been changed; if remanufactured or adulterated, it becomes a domestic export, and must be classified as such under column 1.

Column number 5 should embrace all foreign merchandise "in transit" or entered for immediate exportation, and so declared upon the custom-house entry.

The above requirements will be exacted at the clearance-desks.

DISTRICT AND PORT OF NEW YORK,
Collector's Office.

I hereby certify the within to be a true copy of the original on file in this office.

Given under my hand and seal this 20th day of November, 1873.

[SEAL.]

A. PUFFER,
Deputy Collector.

F. W. J. S.

WOOD, NIEBUHR & Co., 18 EXCHANGE PLACE.

1867-'8.—New form shippers' manifest.—Part of cargo.

Manifest of part of cargo shipped by E. Titus on board the steamship Virginus, whereof Shepperd is master, (or conductor,) for Curaçoa.

Marks.	Numbers.	Packages and contents.	Quantities—pounds, gallons, &c.	No. 1. Value of domestic merchandise.	No. 2. Value of foreign merchandise free.	No. 3. Value of foreign merchandise from bonded warehouse.	No. 4. Value of foreign merchandise not from bonded warehouse which has paid duties.	No. 5. Value of foreign merchandise on the passage in transit from one foreign country to another.	To be landed at—
	170	Barrels bread	13,600 lbs.	\$680	.....	.....	.....	.....	} Curaçoa.
	2	Boxes saddlery .....	.....	400	.....	.....	.....	.....	
	4	Trunks clothing .....	.....	350	.....	.....	.....	.....	

NEW YORK, October 4, 1870.

NOTE.—See instructions on the other side.

DISTRICT AND PORT OF NEW YORK:

I, A. M. D , do solemnly, sincerely, and truly swear that the within manifest contains a full, just, and true account of all the goods, wares, and merchandise shipped by E. T on board the within-named vessel or vehicle, and that the quantities and values of each article are truly stated, according to their actual cost, or the values which they truly bear in this port at this time. And I further swear that the said merchandise is truly intended to be exported to Curaçoa. So help me God.

A. M. DUNBAR.

Sworn to this October 4, 1870, before me,

W. A. MORRIS,
Deputy Collector.

J. A. H.

INSTRUCTIONS.

The outward manifests must correspond in every particular with the special or port manifests.

Column No. 1 should embrace all domestic merchandise, whether reported "in bond" under the internal-revenue act or otherwise; also to include all manufactures from foreign products, such as cordage from foreign hemp, sugar refined from foreign sugar, coffee and spices having been ground or adulterated, &c.

Column No. 2 should embrace all foreign merchandise "free" or "not dutiable" from warehouse.

Column No. 3 should embrace all foreign merchandise exported from "bonded warehouse," duties remaining unpaid, or which, having been paid, are returnable as drawback.

Column No. 4 should embrace all foreign merchandise free, or on which the duties have been paid, which has left the custody of the officers of the customs; provided the condition of the merchandise has not been changed; if remanufactured or adulterated, it becomes a domestic export, and must be classified as such under column 1.

Column No. 5 should embrace all foreign merchandise "in transit," or entered for immediate exportation, and so declared upon the custom-house entry.

The above requirements will be enacted at the clearance-desks.

DISTRICT AND PORT OF NEW YORK,
Collector's Office.

I hereby certify the within to be a true copy of the original on file in this office.
Given under my hand and seal this 20th day of November, 1873.

A PUFFER,
Deputy Collector.

F. W. J. S.

[Inclosure 4.]

Deposition of Francis E. Shepperd.

UNITED STATES OF AMERICA,
Southern District of New York, ss :

To all to whom these presents shall come :

I, Joseph Gutman, jr., a commissioner of the United States circuit court for the southern district of New York, duly appointed and commissioned, and dwelling in the city of New York, send greeting :

Know ye, that on the twenty-eighth day of November, in the year of our Lord one thousand eight hundred and seventy-three, before me, at my office, No 29 Nassau street, in the city of New York, appeared as a witness Francis E. Shepperd, a mariner, formerly on board the steamship *Virginus*, produced by the consul-general of Spain for the district of New York, in the United States of America; and that I was attended at the same time by Sidney Webster, esq., counselor at law in said city, representing the aforesaid consul-general of Spain, and by George Bliss, esq., attorney of the United States for the southern district of New York, attending by the direction of the Secretary of State of the United States, and that the aforesaid witness, having been first duly cautioned by me to declare the truth, the whole truth, and nothing but the truth, in respect to the matters concerning which he should be interrogated, and having then been duly sworn by me according to the laws of the United States, did, in answer to the interrogatories addressed to him in my presence, voluntarily, freely, and solemnly declare and depose in my presence as follows, that is to say :

1. Question. Were you examined in the matter of the steamship *Virginus* before Commissioner Gutman on the 2d May, 1872?—Answer. I think I was—that was the date. It was in the spring or early summer.

2. Q. Where are you now residing?—A. Warrenton, Va.

3. Q. For how long a time did you follow the sea as a profession?—A. Nineteen or twenty years.

4. Q. Are you a graduate of the United States Naval Academy at Annapolis?—A. I am, sir.

5. Q. What year did you graduate?—A. Eighteen hundred and fifty-five.

6. Q. Were you subsequent to your graduation a teacher in that academy, and for how long a time?—A. I was for two years employed as an instructor in the department of English and ethics.

7. Q. Between what years?—A. Between 1858 and 1861.

8. Q. What year did you leave the naval service of the United States?—A. In 1861.

9. Q. Were you in the confederate service?—A. I was.

10. Q. In what capacity?—A. In a variety of capacities. I served some in the army and some in the navy, once or twice in command of an iron-clad.

11. Q. After the rebellion ended, were you in the American mercantile marine service?—A. I was.

12. Q. Please state in what capacities and in what ships.—A. In a bark—the name of which I have forgotten—from Baltimore to Havana as first mate; then two years afterward in command of a steamer, for two years consecutively, called the *Mary*, which ran in the Gulf between Mobile and Cedar Keys; then, afterward, the *Virginus*.

13. Q. Who were the owners of the steamer Mary?—A. During the first year that I commanded her she was owned jointly by Isaac K. Roberts, Colonel Ingersoll, of Mobile, and some few others whose names I have forgotten. After that she was represented to me to be solely owned by Isaac K. Roberts.

14. Q. You commanded, did you not, the Virginus on her voyage from Washington to New York in 1870?—A. I did.

15. Q. Who employed you for that command?—A. Isaac K. Roberts.

16. Q. How long have you known John F. Patterson?—A. Since 1870.

17. Q. Then you first knew him about the time you took command of the Virginus?—A. About three months before.

18. Q. When you sailed from New York in command of the Virginus on her voyage to Curaçoa, whom did you believe to be her owners?—A. I believed her real owners to be certain Cubans—themselves the real owners or the representatives of other Cubans. The names of these representatives or owners were General Quesada and José Mora.

19. Q. Did you, before sailing on this voyage to Curaçoa, have any conversation with John F. Patterson with respect to the ownership of the Virginus; if so, what was it, as nearly as you can recollect?—A. I did have conversations with Patterson on that subject. He said that the vessel would go in his name; and he, at that time and afterward, expressed to me regret at allowing his name to be used in connection with the ownership of the vessel.

20. Q. Did you, before sailing to Curaçoa, have any conversation with I. K. Roberts in respect to the ownership of the Virginus, and, if so, what statement did Roberts make to you on that subject?—A. I did; he stated to me that it was at the time not decided in whose name the papers should be made out—in his or in Patterson's—and informed me that he had bought her for these parties that I have referred to, perhaps not mentioning their names, but using the general term "Cubans." He said this thing, which I well remember, that of course she had to go out in the name of an American, as they (the Cubans) could not own an American ship.

21. Q. In what line of steamers, if you know, was Roberts interested at that time?—A. He had been, up to that time, managing either for himself or for his father, Marshall O. Roberts, a line of steamers known as the Fernandina and Cedar Keys line.

22. Q. Did Roberts say anything to you in respect to the purchasing of the Virginus back again from the Cubans for his line?—A. He did; he said that he was to have her for his line when she had finished running the blockade.

23. Q. Did I. K. Roberts say anything to you about not permitting the Virginus to be in his name, on account of the objections which his father, Marshall O. Roberts, had raised?—A. That he expressed himself in that exact language, I would not say, but his objection, as I now recollect it, was expressed in language which produced that impression on my mind.

24. Q. At what time did you first get a suspicion that the Virginus was to be used by the Cubans against Cuba, if at all?—A. About ten days before Mr. Roberts informed me of the fact, and about two weeks before she sailed. My suspicions were aroused by the fact that the repairs which were being put upon the vessel were inadequate to the kind of service in which the other steamers of this line or any passenger steamer required.

25. Q. Did you have any interview with José Mora, at which he showed to you the bills which he had paid for the repairs of this steamer?—A. I did; at an office in No. 29 Broadway, New York City. This interview was about January, 1871, as well as I recollect; after I returned from Puerto Cabello.

26. Q. State as nearly as you can what Mora said to you on that occasion.—A. He spoke of the large amount of money expended for fitting out the Virginus, and I think showed the bills to me more in connection with his disappointment at not having gone to Cuba, or as much for that reason as others. He showed me Patterson's receipt for the purchase money paid to him, and the bills for repairs. Many of the bills I recognized myself as having approved them.

27. Q. Do you remember to have seen, at any time, any bill of sale of the Virginus from Patterson?—A. I do not.

28. Q. You say that you identified many of the bills as being for repairs which you knew were actually made on the Virginus?—A. Yes.

29. Q. Was this the same Mora with whom, as you testified in your previous examination, you had an interview at his house, in company with Quesada, where your employment on the Virginus was arranged?—A. The identical man.

30. Q. Did you have any conversation with any consuls of the United States, at ports or places around the Caribbean Sea, or thereabouts, in respect to the character of the business of the Virginus; if so, with whom?—A. I did; the first one with the consul at Curaçoa, Faxon by name, I think; next with the consul at Laguayra, whose name I have forgotten; next with Lacombe, at Puerto Cabello. I do not embrace them all in the same category, as having said the same things about it. I made no reply to the assertion made by Consul Faxon, that though the papers of the Virginus were all right, that in his official capacity he had nothing more to do than to

recognize her as an American vessel; but that he clearly understood the object of her mission in the Caribbean Sea, and was personally in sympathy with it; this was at Curaçoa.

31. Q. What did the consul at Puerto Cabello say to you, if anything?—A. The consul at Puerto Cabello asked me to make a statement to him with regard to a rumor which he had heard that the steamer was to be employed in the Venezuelan service, in the revolution then going on in that country, and I stated to him that to the best of my knowledge such was not the intention of those interested in the vessel, nor should such service be rendered by me while in command of her.

32. Q. What did the consul at Laguayra say to you, if anything?—A. The consul at Laguayra said that while he, in his official capacity, recognized the nationality of the vessel, because of the papers and flag, he clearly understood what the object of her being there was; and treated with Varona, who was on board, and who, when Quesada was absent or present, generally represented him and acted for him.

33. Q. What did the consul at Puerto Cabello and Varona treat about?—A. In the first place, the payment of the crew, and the selection of a successor to myself; and altogether recognized the Cubans there represented by Quesada and Varona as the parties who had all to say about the vessel.

34. Q. Were you present at any of these treaties or conferences?—A. I was, once or twice.

35. Q. Did you hear these things done, of which you have just spoken?—A. I did. Yet I would say that in the matters of papers and of records in this matter, all the technical formalities were not lost sight of in connection with it.

36. Q. Did Varona or Quesada have any conversation with you at any time while captain in respect to changing the flag of the *Virginus*?—A. They did.

37. Q. Please state that conversation as carefully and correctly as you can, and state when and where it occurred.—A. I will make a preface to it by saying that at the island of Buen Ayre, where the guns were taken on board from the schooner *Billy Butts*, the crew manifested a natural desire to know what was to be done with the guns, and what compensation they would get for the risk of carrying those guns to Cuba, if such was the intention; made an agreement with General Quesada for the prepayment to them of certain sums per capita, and a certain other sum; the first to be paid in advance and placed in my hands, which was done, the last being received by them after the vessel should have successfully made the landing or otherwise run the Cuban blockade. It was nearly two months after this that General Quesada, through his representative Varona, (who spoke English,) addressed the crew on the deck of my ship, stating that this contract was to be annulled; that the vessel would have to perform for the present other service, and that it might become necessary to change the flag; and under these altered circumstances he desired to know how many of the crew would remain by the ship and obey his orders. About this juncture of his address I interrupted him by demurring slightly to the proposition to change the flag, or to alter at that time, or any time, the exact nature of the enterprise for which I was employed in New York; and receiving verbally no satisfactory reply, I wrote Quesada a letter stating these intimated changes as the ground of my suspicions, and requesting him to state positively whether my suspicions were groundless or not; and stating that if such change were meditated I would turn the vessel over to him, recognizing her as his property. I did not in this letter say anything as to the formal ownership of the vessel; but in conversation with him through an interpreter, and with several of the Cubans, I gave him to understand that, though I should abandon the enterprise then, I should take no advantage of the fact that she bore the American flag, and that she was nominally owned by an American citizen, and would not interrupt them in any enterprise they saw fit to engage in looking to the liberation of Cuba. I would say, incidentally, that this change, of which they would not say anything in writing, was talked about between themselves and myself; that change meant assistance to the government of Guzman Blanco, or to Venezuela, for the reason that when the revolution was put down Guzman Blanco would give them men and otherwise assist them in getting to Cuba.

38. Q. What answer did Quesada make to that letter?—A. His answers were vague. He did not state what the change was, but said that it was to be a radical change. Quesada did not state that in writing, but verbally. He did answer my letter in writing.

39. Q. How soon after this occurrence did you leave the *Virginus*?—A. That instant.

40. Q. Where was this?—A. Puerto Cabello, Venezuela.

41. Q. Did they pay you for your services up to that time?—A. But partially.

42. Q. How much, if you remember?—A. About five hundred dollars in all, I think.

43. Q. Who paid you the money?—A. A portion of it Mr. Patterson gave me a check for, before I sailed from New York; the remainder I got in small sums from Quesada. I had quite a large amount, I forget now how much, which I turned over to him immediately on resigning the command of the vessel, and also this draft that was given to me for the crew when they threatened to mutiny.

44. Q. Did you have any conversation with Patterson about the ownership of the Virginus after you returned to New York from Puerto Cabello?—A. I did.

45. Q. Please state what he said to you.—A. When the aspect of affairs looked to the privilege which he might enjoy as the formal owner of the vessel, he then, in conversations, expressed to me regret that I did not bring the Virginus home; and at other times he fully indorsed the honesty of my action in allowing her to remain in the hands of those who had paid the money for her. He said to me at one time: "Damn it, she ain't mine anyhow." Both he and Roberts (though I never saw Roberts after I came back) did expect to be benefited in some way by the services of this vessel when she should have completed her mission of running the Cuban blockade.

46. Q. Did you know how they intended to be benefited?—A. I do not know exactly how, though they could have run her in the Gulf. Their line at that time was ended; they never continued it afterward. They could have run her in the Gulf, between New Orleans and some ports of Florida, or perhaps to Havana, though that would be risky.

47. Q. How did you understand that they were to use her, if Patterson and Roberts had parted with their property in her after she came back?—A. My impression is that they were to buy her back for a very small sum of money. My recollection of all these things is a little dim now, as I have been absent for a few years.

Being cross-examined by George Bliss, esq., United States attorney, he says:

48. Q. What is your present occupation?—A. I am acting for the agent of a railroad; I am actually the agent, though there is another party nominally the agent. It is known as the Orange and Alexandria Railroad.

49. Q. When and under what circumstances did you first become acquainted with Mr. Patterson?—A. When I brought the steamer Mary from Mobile to New York, in the summer of 1870, he at that time being the agent in New York of the joint lines of railroad and steamers, of which she was one, to Mobile, Ala., from New York.

50. Q. You say that after your return Mr. Patterson showed you the bills?—A. Mr. Mora.

51. Q. Mr. Mora showed you the bills. Was one of them for the purchase-money of the vessel?—A. That is my recollection now, though whether it was in the form of a bill of sale, or not, I do not know. I feel satisfied that that was an item shown to me among the list of moneys paid to Patterson.

52. Q. Do you remember the amount?—A. I do not.

53. Q. Can you give any impression upon it?—A. I am under the impression that it was some nine thousand dollars; about that. That is my impression. It was the largest amount in the list; that is my impression. I once or twice asked Roberts what he gave for her, before I ever heard of this thing, and I don't think he ever answered the question.

54. Q. Might it not have been an item of the amount paid by Patterson in the purchase of the vessel by him?—A. That I do not know, but I will state this: that Mora's manner and intention, expressed at the time, by showing me these bills, was to convey the idea upon my mind that a large amount of money had been expended for this expedition, in proof of which he showed me these itemized payments, the particular items of which I have now forgotten. That is about as clear as I can put it.

55. Q. This conversation with Consul Faxon, under what circumstances did it occur?—A. In going from his Office in Curaçoa, across a lagoon to visit a family to whom he was going to introduce me.

56. Q. Did he state what he understood the object of her mission to be?—A. He expressed to me that he understood what she was going to do. That he said she was going to Cuba I do not now remember, but that he clearly understood what was to be done; that in his official capacity he saw nothing wrong in the vessel, and that personally he was in sympathy with the enterprise. As consul he was guarded, I think, not to allow his official capacity to conflict with his personal feeling, and therefore did not express himself very plainly, as I recollect.

57. Q. It was not the consul at Puerto Cabello who asked about her employment in the Venezuelan service?—A. No; the consul at Laguayra, I mean.

58. Q. Did that consul at Laguayra inquire about her employment in any other service?—A. He did not.

59. Q. Did not?—A. No, sir; he did not say anything about it.

60. Q. Was it the consul at Puerto Cabello or at Laguayra whom you have referred to as treating with Quesada and Varona with reference to the vessel?—A. The consul at Puerto Cabello.

61. Q. Give his name.—A. Lacombe; of French descent, though I believe a native of this country.

62. Q. Precisely when did the address by Varona as to changing the flag take place?—A. I will have to refer to notes of mine at home to tell the time. It was in November.

63. Q. November, 1870?—A. November, 1870.

64. Q. At the time that Varona addressed the crew was Quesada present?—A. He was.

65. Q. Did Quesada understand English?—A. When spoken slowly he could understand a conversation.

66. Q. The intention referred to of changing the flag was to change it to the Venezuelan, was it?—A. That was the rumor, though that was not expressed.

67. Q. Was anything said about her ever flying the Cuban flag, of an intent to fly the Cuban flag at any time?—A. There was a suggestion made to me as to the propriety of doing so, by Varona, coming from Quesada, but not this Varona that made this speech, but by Dr. Varona. The suggestion was made to me, on the voyage out, to use the Cuban flag and to board and capture a vessel then in sight, if she should turn out to be Spanish. I said the Cuban flag should not be used. But I told them they could very easily overpower me, meaning that I would give my consent to being overpowered, and they could tie me in the cabin, and lower the boats and capture this vessel.

68. Q. How did it happen that you were not paid in full?—A. For the reason that the absence of written agreement in New York left me to depend upon men without honor to pay me by virtue of a verbal understanding between them and me.

69. Q. Then they claimed they had paid you in full, did they?—A. Yes.

70. Q. What was your view of the amount they had agreed to pay—by the month or voyage, whatever it was?—A. Well, it is a long matter.

71. Q. I merely want to know what the amount was.—A. It was subjected to various contingencies. For instance: I said to them, "Gentlemen, if I undertake this thing, mark you, I go at great risk. I know the Spanish will shoot me, therefore I run great risk. I run the risk of the crew mutinying, and my going to subject American citizens to danger. But," says I, "I am ready, and at all times ready, to undertake this thing; but if you do not furnish me with the means, mark you, I have in spirit fulfilled my agreement with you; and, therefore, you must pay me, in consideration of that, something." And then I was to get—I have forgotten now—several thousand dollars, in case I succeeded; I think it was five, if I succeeded in running the blockade. I have forgotten the amount; several amounts were talked over. But I was to have for all the time I was gone double pay; but my pay was only to be put down at \$150 a month, in order not to excite suspicion at the custom-house by so high pay for so small a vessel. They all understood that.

72. Q. You said in your former deposition that Mora informed this deponent that the steamer *Virginus* was the property of certain Cubans together, and represented by Mora, Quesada, and Manuel Ruiz, and they explained to you in part the manner in which the funds were raised for the purchase of the steamer and the disbursements of her voyage and enterprise. When did he so inform you? Before you sailed or after you returned?—A. My impression is that he did this. I so understood it from him before, and so understood it from conversations with him afterward.

73. Q. My question is directed particularly to his explanation to you in part of the manner in which the funds were raised. Was that before or after you went?—A. After, I think.

74. Q. What did he say to you as to the manner in which the funds were raised?—A. My recollection is, through subscriptions made here in New York, moneys raised by Quesada in Europe, and the sacrifice of trinkets and jewelry by the ladies sympathizing with Cuba. That is my recollection.

75. Q. Were you aboard the vessel at the time when the marine lawyer, Gallagher, made the complaint to some consul?—A. I was not.

76. Q. Was that after you left?—A. That was after I left.

77. Q. Do you know any reason why, after taking aboard the cargo of the *Billy Butts* at Buenos Ayres, the vessel did not undertake to run the blockade?—A. I understood the delay then to be the want of soldiers to accompany the landing.

78. Q. Did you understand that she went to Venezuela for the purpose of getting soldiers?—A. When I sailed from New York I knew she was going to that section of the Caribbean Sea, to fall in with men and arms. Did not know where the arms were to come from or the men. Did not at sailing suppose they were to be enlisted in Venezuela. My first impression was that they were to be Cuban patriots, who had lodged on this island, wishing an opportunity to avenge their country's wrongs.

79. Q. But when you left Curaçoa, or left that vicinity, after taking the arms on board, did you then understand that she was going to Venezuela for soldiers?—A. My recollection is that that was then my impression.

80. Q. Did you ever know of any attempt being made to get soldiers?—A. I heard of it frequently from Varona and from Quesada; and Quesada, in the little English that he talked, expressed to me his great regret of the revolution then existing in Venezuela, and there was a general regret expressed on the part of his compatriots that the existence of this revolution deterred the running of the Cuban blockade at that time.

F. E. SHEPPERD.

Subscribed and sworn to before me this 28th day of November, 1873.

JOSEPH GUTMAN, JR.,

United States Commissioner, Southern District of New York.

And now I, Joseph Gutman, jr., a duly-appointed commissioner of the United States for the southern district of New York, in attestation, do hereby certify that the foregoing questions and answers, after having been written out as above, were read to the foregoing witness, and were in my presence signed by him; and, in attestation of the verity and solemnity of all of the foregoing, I do hereby attach my signature and seal of office this twenty-eighth day of November, in the year one thousand eight hundred and seventy-three.

[SEAL.]

JOSEPH GUTMAN, JR.,
United States Commissioner, Southern District of New York.

[Inclosure 5.]

Affidavit of Francis Bowen.

UNITED STATES OF AMERICA,
Southern District of New York, ss :

To all to whom these presents shall come :

I, Joseph Gutman, jr., a commissioner of the United States circuit court for the southern district of New York, duly appointed and commissioned, and dwelling in the city of New York, send greeting :

Know ye, that on the twenty-sixth day of November, in the year of our Lord one thousand eight hundred and seventy-three, before me, at my office No. 29 Nassau street, in the city of New York, appeared as a witness Francis Bowen, a mariner, formerly on board the steamship *Virginus*, produced by the consul-general of Spain for the district of New York, in the United States of America, and that I was attended at the same time by Sidney Webster, esq., counselor at law in said city, representing the aforesaid consul-general of Spain, and George Bliss, esq., attorney of the United States for the southern district of New York, attending by the direction of the Secretary of State of the United States, and that the aforesaid witness having been first duly cautioned by me to declare the truth, the whole truth, and nothing but the truth in respect to the matters concerning which he should be interrogated, and having then been duly sworn by me according to the laws of the United States, and the following affidavit made by the said Bowen before H. J. Begly, esq., having been delivered in my presence into the hands of Mr. Bliss, did, in answer to the interrogatories addressed to him in my presence, voluntarily, freely, and solemnly declare and depose in my presence as follows, that is to say:

SOUTHERN DISTRICT OF NEW YORK, ss :

FRANCIS BOWEN, being duly sworn, deposes and says: That he is by profession a master-mariner, was born in the State of New York, is forty-nine years of age, and is at present residing in the city of New York; that he has followed the sea as a profession for upward of thirty-two years, and commanded vessels since twenty-two years; that among the vessels he has commanded are the barks *Comet*, *Sultana*, and *Jane*, the brig *Victorine*, the clipper-ships *Kate Hooper* and *Nightingale*, the schooner *Mariguita*, the steamships *Vera Cruz* and *J. C. Harris*, and many small steamers in China; that he was first officer in the Pacific mail-steamer *Colon* from April 1, 1873, to about September of the same year.

And this deponent further says, that on the last of March or first of April, in the year 1872, he assumed command of the steamship *Virginus* at Aspinwall, and continued in command of her from that date till the latter part of June, in the same year, when he left her at Puerto Cabello; that the commander of the said steamer who immediately preceded him therein was one *Marquez*, and engineer on said steamer, but not a seaman, and that he was informed and believes that the person in command of said steamer immediately before the last-named, *Marquez*, was a Venezuelan or a Cuban, and that the commander immediately preceding the last-named person was Capt. F. E. Shepperd.

And this deponent further says, that in March, 1872, he was at Panama, on his way from New York to China, and while there his attention was called to the *Virginus* by her previous captain, *Marquez*, before mentioned, who said she was in need of a commander, and this deponent replied that he would take command of her if well paid, and the said *Marquez* referred this deponent to Rafael Quesada, then in Panama, a brother of Gen. Manuel Quesada, now of the city of New York; that this deponent had an interview with the said Rafael Quesada, who informed him that he could not make any agreement for a commander, but this deponent must see his brother, the aforesaid Manuel Quesada, who was at Aspinwall; and this deponent did thereupon go to Aspinwall, and did there have an interview with the said Manuel Quesada, at the Betan Court Hotel, in Aspinwall.

And this deponent further says, that on the interview he had with the said Manuel Quesada, a Cuban named Pedro or Francia Alfaro was present as a chief executive officer or business man; that this deponent, at that interview, asked the said Manuel Quesada in what business the *Virginus* was to be engaged, when and what sum he would pay this deponent to be captain; that to this question the said Manuel Quesada replied that the steamer was to attempt to land an expedition on the coast of Cuba, and that he would pay this deponent three hundred dollars a month to be captain, and an advance of two hundred dollars; and if an expedition was successfully landed in Cuba, he would give this deponent \$5,000 in addition, beside his pay as aforesaid, and perhaps a larger sum; and the said Quesada also said to this deponent that if an expedition was landed safely in Cuba, everything would then be very prosperous with the Cuban junta in New York, and this deponent should command a new ship, and one armed as a privateer.

That this deponent did at that interview engage and hire himself to command the said steamer, and that he entered into the arrangement with the said Manuel Quesada as controlling the said steamer, and that he never knew or saw any one then or at any time who assumed any control over her; and thereupon the said Manuel Quesada took this deponent on board the *Virginus*, then lying at Aspinwall, and presented him to the engineers, and all the persons on board, as the commander of the steamer.

That this deponent immediately took command of the said steamer, and found that a large number of Cubans, said to be fifty or sixty, living in barracks near by, were supplied each day with provisions from the said steamer; that when this deponent took command there was no American flag on the steamer, but one was purchased by him; that no concealment was practiced by this deponent, either with the consul of the United States then in Aspinwall, or with any other person, in respect to the character and destination of the said steamer; and that on or about the first of May, or last of April, he cleared the steamer before the United States consul; and this deponent sailed without any verbal orders from the said Manuel Quesada, except instructions from him that he had given sealed instructions to the aforesaid Alfaro, who would be on board, and that when said instructions should be opened at sea they were to be obeyed; that the said Alfaro did sail on board the steamer, together with a few other Cubans, and a large number of bags of clothing; that the Spanish steamer *Pizarro* was then lying in the port of Aspinwall, and, on the suggestion of the consul of the United States, the United States steamer *Kansas*, which arrived in Aspinwall about this time, escorted the *Virginus* outside the port, followed also by the aforesaid steamer *Pizarro*; and when this deponent had got well to sea, the sealed orders in the hands of the said Alfaro were opened, and found to be signed by the said Manuel Quesada, who directed the steamer to proceed to Carthagena, and there await further orders.

That this deponent had frequent conversations with one Perry, then consul or consular agent of the United States at Aspinwall, in respect to the character and the business of the steamer *Virginus*, and that the said consul perfectly understood the character of her employment, and who controlled her.

That when the *Virginus* arrived in the port of Carthagena there was much exultation on the part of certain people there who knew of the character of the steamer; that the crew became mutinous, and this deponent applied to the United States consul or consular agent, who procured them to be placed in prison; that the said consul or consular agent was perfectly well aware of the character of the business in which the said steamer was engaged, as this deponent knows by conversation with him; that after repairing the steamer, and taking in coal, she proceeded, by the direction of Alfaro, to Puerto Cabello.

That when the *Virginus* arrived at Puerto Cabello, as aforesaid, she was out of coal and leaking badly in both compartments; that the said Manuel Quesada soon after arrived in that place; that it was impossible to make the needed repairs on her, nor was there any money forthcoming with which to buy necessary provisions and supplies for the steamer, and all her crew, together with the chief engineer, were discharged, there being retained on board only two Cuban engineers, one named Chamberlain and another named Knight, both of whom the newspapers say were on board the *Virginus*, and recently executed at Santiago de Cuba; and that this deponent thereupon resigned his command of said steamer, and shortly after left for Caracas, from which place he returned to Puerto Cabello two months afterward, remained there a week, and then proceeded to New York, after which this deponent became first officer, as aforesaid, of the Pacific mail-steamer *Colon*.

That this deponent was informed while at Puerto Cabello, and believes, that the *Virginus* had a few months previously been at that port, and in the service of Guzman Blanco, then engaged in civil war in that country; that while at Puerto Cabello this deponent had frequent conversations with the American consul, and the latter admitted and stated to this deponent that he was perfectly aware of the business in which the *Virginus* was engaged; that on several occasions this deponent appeared before the said consul in company with the said Manuel Quesada in respect to the affairs of the said steamer, and particularly in respect to discharging her crew, at which said

interviews the said consul could not fail to see, in the opinion of this deponent, that the said Quesada was the manager and sole controller of the said steamer as owner, and that while the said steamer was lying at Puerto Cabello, as aforesaid, orders were issued that no supplies of any kind should be furnished to the steamer unless on written orders, signed by the said Manuel Quesada or the said Alfaro.

And this deponent further says, that during the time he was in command of the said steamer he never saw any mark of her number or of her tonnage carved or marked on her main beam, as required by the laws of the United States, and he never heard until quite recently that she had any number, and that the said steamer had been lying at Aspinwall for about six months previous to this deponent assuming command thereof; and this deponent further solemnly declares that, during all the time he was in command of the said steamer, he never supposed or believed that she was under any other control than that of the aforesaid Manuel Quesada in behalf of the Cubans, nor did he ever suppose or believe that the steamer was to be engaged in any legitimate business.

FRS. BOWEN.

Sworn to and subscribed before me this 22d day of November, 1873.

H. J. BEGLY,
Notary Public, Kings County, New York.

Being cross-examined by George Bliss, United States district attorney, he says:

1. Question. Under what circumstances did you leave the *Virginus*?—Answer. I left her when they had no more money to pay me my wages.
2. Q. During the time you were in command of her where did she go?—A. She went from Aspinwall to Carthagena, and Carthagena to Puerto Cabello.
3. Q. That is all?—A. That is all.
4. Q. How long did she lie at Carthagena?—A. I think about ten days.
5. Q. How long did she lie at Puerto Cabello before you went to Carthagena?—A. I went from Carthagena to Puerto Cabello in her.
6. Q. Where did you take command of her?—A. In Aspinwall.
7. Q. How long were you in command of her in Aspinwall before she left Aspinwall?—A. Over a month; but I can't give the exact date.
8. Q. How long did she lie at Carthagena?—A. Over ten days.
9. Q. How long at Puerto Cabello before you left her?—A. Somewhere about three weeks, I think.
10. Q. Who paid you?—A. General Quesada.
11. Q. Where?—A. Aspinwall and Puerto Cabello.
12. Q. While you were at Carthagena what were you doing?—A. Repairing the ship. She sprung a leak, and it was necessary to repair that leak, and take in coal.
13. Q. While at Puerto Cabello what was she doing?—A. Nothing.
14. Q. How large a crew did you have?—A. We were very short-handed. I think we had about six deck-hands, and about nine in the fire-room.
15. Q. That included engineers?—A. Three engineers besides that, and some water-tenders who were Cubans.
16. Q. Did you have any armament?—A. No.
17. Q. No guns?—A. No large guns.
18. Q. What do you mean by "large guns"?—A. Cannon. We had some muskets and pistols.
19. Q. How many?—A. O, a couple of dozen.
20. Q. Have any cargo on board at any time?—A. Nothing except bags of clothing.
21. Q. How much of that?—A. Well, I suppose there might have been a hundred bags of it.
22. Q. Containing what kind of clothing?—A. All sorts; a good deal of linen stuff to be put into uniforms for soldiers.
23. Q. What do you mean by a "good deal"?—A. I mean thirty bags of cloth and canvas.
24. Q. How do you know it was to make into uniforms for soldiers?—A. I was told so by Quesada.
25. Q. Did you have any passengers on board?—A. None as passengers.
26. Q. Quesada on board?—A. Alfaro was on board.
27. Q. Alfaro on board all the time?—A. All the time.
28. Q. As a passenger?—A. As a passenger.
29. Q. Did he exercise any control over the ship?—A. Yes, sir; all control.
30. Q. He had his orders from Quesada which you have referred to in your affidavit?—A. Yes, sir.
31. Q. How long had you known Mr. Marquez?—A. I had never known him until I met him in Panama.
32. Q. You met him accidentally?—A. I met him at the hotel there.
33. Q. What had been your last command prior to taking command of the *Virgin-*

ius?—A. I will have to stop to think about that. My last command was a vessel in China, a steamboat in China, called the White Cloud.

34. Q. How long before you arrived in Aspinwall was it that you gave up command of that vessel?—A. Two or three years.

35. Q. What had you been doing in that time?—A. I had been agent for a Havana house in Macao.

36. Q. All the time?—A. Not all the time, because I was unemployed part of the time.

37. Q. Had you just given up that agency?—A. No; I had been home for part of a year.

38. Q. Where was your home?—A. Here in New York. I went to Aspinwall, and was on my way to China again.

39. Q. Did you leave here with any anticipation of having any connection with the *Virginus*?—A. No.

40. Q. Had you known Rafael Quesada?—A. No, sir.

41. Q. Had you known Alfaro Quesada?—A. No, sir.

42. Q. What pay did you get?—A. Three hundred dollars a month.

43. Q. That was all?—A. Yes.

44. Q. Did you ever make any attempt to land in Cuba?—A. No, sir.

45. Q. When you took command was there any flag on board the *Virginus*?—A. No, sir.

46. Q. Of no nationality?—A. No, sir.

47. Q. You state that Consul Perry at Aspinwall perfectly understood the character of the employment of the *Virginus*, and who controlled her; what facts can you give to show that to be so?—A. Well, the fact that he referred me continually to Quesada; that I was a medium of communication between the two of them always.

48. Q. Any other?—A. Well, from the fact that he mentioned the thing to me continually.

49. Q. Mentioned what?—A. Why, the purpose for which the ship was to be used, running the blockade.

50. Q. What did he say the purpose was?—A. Carrying arms, &c., to Cuba.

51. Q. Perry said so?—A. Perry said so.

52. Q. Anything else?—A. Not that I recollect of. It was a common understanding between us.

53. Q. You say there was much exultation on the part of certain people at Carthagena. Whom do you refer to?—A. Well, a number of Cubans there, and, they say, sympathizers with the Cubans.

54. Q. For what reason did the crew become mutinous?—A. On account of a lack of food and hard work.

55. Q. You say that the consul and consular agent that were at Carthagena knew perfectly well the business that the *Virginus* was engaged in, as you know from conversations with them. Can you state those conversations or their substance?—A. We always spoke of the *Virginus* as exactly that kind of vessel; that she belonged to the Cubans, and was to run the blockade, and carry arms through. There were no pretensions made to keep the thing quiet.

56. Q. Did you ever see the *Virginus* after you left her?—A. Yes; I saw her in Puerto Cabello.

57. Q. How long after did you see her in Puerto Cabello?—A. Two months.

58. Q. Did you see her after that?—A. Yes; I saw her at Aspinwall when she left, and was escorted out. I was aboard of her at the time.

59. Q. You took command of the vessel, then, believing that she was owned by the Cubans?—A. Yes, sir.

60. Q. But sailing her under the American flag, purporting to be a vessel of American ownership, and intended, as such, to be used in landing arms and munitions upon the island of Cuba, against the consent of the Spanish government?—A. Yes, sir.

62. Q. And you lent yourself to that purpose for the compensation of \$300 a month, and the contingent fee that you should receive in case of success?—A. Yes, sir.

63. Q. Since you left the Pacific mail-steamship in September, 1873, have you been engaged in any business?—A. No, sir.

64. Q. You left voluntarily?—A. Well, I can't say I left voluntarily. I left from disagreement with the president of the company. I left one ship under promise of being transferred to another one, and then I was not transferred.

65. Q. How came you to make this affidavit?—A. Well, when I first heard the news of the *Virginus* being taken, when those first four people were executed, when the news first came here, a friend of mine mentioned to me that my testimony might be of some importance, and I asked him to go and see if it would be.

66. Q. Go and see whom?—A. Go and see Mr. Webster.

67. Q. As a result of that you made this statement?—A. As a result of that I made this statement.

68. Q. You did not put yourself in communication with the officers of your own Government?—A. No, sir.

69. Q. Have you received any compensation or any promise of any compensation?—A. Well, my business is to go to sea; if I am detained on account of this, I am promised to be compensated for the time that I lose.

70. Q. Have you been detained ashore in consequence of this?—A. Yes; I suppose I have been sick in consequence of this.

71. Q. When did this first commence?—A. I have been sick for the last ten days.

72. Q. When did you first put yourself in communication?—A. I think it was about two weeks ago.

73. Were you going to sea at that time?—A. I had made application for a berth at that time, and probably should have succeeded in getting it.

FRANCIS BOWEN.

Subscribed and sworn to before me this 28th day of November, 1873.

JOSEPH GUTMAN, JR.,

United States Commissioner, Southern District New York.

And now I, Joseph Gutman, jr., a duly appointed commissioner of the United States circuit court for the southern district of New York, in attestation, do hereby certify that the foregoing questions and answers, after having been written out as above, were read to the foregoing witness, and were, in my presence, signed by him, and in attestation of the verity and solemnity of all the foregoing, I do hereby attach my signature and seal of office this twenty-eighth day of November, in the year one thousand eight hundred and seventy-three.

[SEAL.]

JOSEPH GUTMAN, JR.,

United States Commissioner, Southern District of New York.

[Inclosure 6.]

Deposition of Francis Bowen.

UNITED STATES OF AMERICA,

Southern District of New York, ss:

To all to whom these presents shall come:

I, Joseph Gutman, jr., a commissioner of the United States circuit court for the southern district of New York, duly appointed and commissioned, and dwelling in the city of New York, send greeting:

Know ye, that on the 5th day of December, in the year of our Lord one thousand eight hundred and seventy three, before me, at my office, No. 29 Nassau street, in the city of New York, appeared, as a witness, Francis Bowen, a mariner, formerly on board the steamship *Virginus*, produced by the consul-general of Spain for the district of New York, in the United States of America, and that I was attended at the same time by Sidney Webster, esq., counselor at law in the said city, representing the aforesaid consul-general of Spain, and George Bliss, esq., attorney of the United States for the southern district of New York, attending by the direction of the Secretary of State of the United States, and that the aforesaid witness, having been first duly cautioned by me to declare the truth, the whole truth, and nothing but the truth, in respect to the matters concerning which he should be interrogated, and having then been duly sworn by me, according to the laws of the United States, did, in answer to the interrogatories addressed to him in my presence, voluntarily, freely, and solemnly declare and depose in my presence as follows, that is to say:

1. Question. Have you been previously examined in this case?—Answer. Yes, sir.

2. Q. Captain Smith, who was in command of the *Virginus* subsequent to yourself, has testified that when he assumed command of her at Puerto Cabello he found, attached to the certificate of registry deposited with the United States consul at that place, a bottomry-bond, which he believes was signed by you at Aspinwall while captain of her; do you remember any such bond?—A. Yes; I signed a bottomry-bond in Aspinwall.

3. Q. For what was that bond given, and to whom?—A. The bond was given for the purpose of paying the debts of the ship, and was given to Mahl & Brothers of Aspinwall and Curaçoa.

4. Q. By whose direction, if any one's, did you sign and give the bond?—A. Manuel Quesada—by his direction.

5. Q. Who were Mahl & Brothers; what was their business?—A. Ship-chandlers and provision merchants, and were the recognized agents of Quesada, and the Cubans generally, in Aspinwall and Curaçoa.

6. Q. Did you, of your own knowledge, know for what repairs or other bills this bottomry-bond was given?—A. I know it was given for the expenses of the ship the time she had been in Aspinwall.

7. Q. State, if you know, what amount of bills the *Virginus* incurred while in Aspinwall.—A. That I can't say. I cannot tell the amount of her bills; I know nothing about them. I signed no bills myself, and paid no bills at all.

8. Q. About what time was this bottomry-bond given?—A. It was given two or three days before the ship sailed. It was in the end of April or beginning of May, 1872.

9. Q. Do you know any large bills for repairs which the *Virginus* incurred at Aspinwall, and, if so, to whom?—A. The largest bill that I know was incurred was to the Panama Railroad Company.

10. Q. For about how much?—A. Between two and three thousand dollars; I think it was \$2,800. I would not be positive.

11. Q. Who, if any one, directed you to sign this bottomry-bond?—A. Manuel Quesada.

12. Q. What was the amount of it?—A. I think it was \$13,600. It may have been \$13,500. It was over \$13,000 any way.

13. Q. Do you remember when and where it was payable?—A. I do not, but think it was payable at Puerto Cabello.

16. Q. Did you ever make any communication with John F. Patterson in respect to this bottomry-bond?—A. Not till after I had returned to New York.

17. Q. What did he say about it?—A. I don't know that he said anything about it, in particular; it appeared to be a thing that did not interest him at all. He sent for me one day—wanted to see me about the *Virginus*; and as soon as I called he says, "Bowen, I heard you were appointed to that ship; I thought you would do something with it, a man like you." I told him that I had no control over the ship at all.

18. Q. Where did you call?—A. On him at his office, on the corner of West and Warren streets, in the city of New York. He was joking me about having made a mistake with the *Virginus*—that he thought when he heard I had charge of it I would certainly do something with it. I told him it was impossible where money was lacking, and that I did not have credit enough for a keg of white lead, and that, therefore, I couldn't handle the ship at all.

19. Q. Was it at this time you told him about the bottomry-bond?—A. I told him about it; I said that from the very fact that two days before leaving Aspinwall I had to sign a bottomry-bond for \$13,600, (I think it was \$13,600,) for this vessel, "How do you suppose that I could do anything with the steamer under such circumstances?"

20. Q. That did not refer to the bottomry-bond, but to the steamer?—A. Yes, to the steamer.

21. Q. Do you know anything of the payment of this bottomry by anybody?—A. I know that the British consul in Puerto Cabello (who was appointed agent by the brother of Mahl in Aspinwall, one of the firm, to receive this money) told me that he had received \$6,000 of this money.

22. Q. Six thousand dollars on the bond?—A. Six thousand dollars on the bond.

23. Q. In Puerto Cabello?—A. In Puerto Cabello.

24. Q. Where were you when the English consul made this statement?—A. In his own office.

25. Q. In Puerto Cabello?—A. Yes.

26. Q. Do you remember his name?—A. No, I do not remember his name; it was a curious name, too; if I heard it I would recollect; it was an Irish name, I think.

27. Q. Fix the time, the date of this conversation, as nearly as you can.—A. The end of May or beginning of June.

28. Q. 1872?—A. 1872.

29. Q. In signing or executing this bottomry-bond on the *Virginus*, state whether you exercised your own judgment and discretion as her master, or whether you acted under the direction of some one else, and, if so, whom?—A. I acted entirely under the direction of Manuel Quesada.

30. Q. You mean you didn't exercise any judgment?—A. Of course, I exercised no judgment; I could gain nothing by doing a thing like that. It was necessary for me to get that ship away from the port, and she could not have left the port without paying her bills, and the only way to do it was through signing this bottomry-bond. My reason was simply this: that if I had left the *Virginus* where she was—watched by the Spanish cruiser *Pizarro*, the *Pizarro* threatening to sink her—the people might have thought I was afraid of getting shot. At any rate, under the circumstances, I couldn't think of leaving the ship at that time, though really I would have been glad, very glad, to have done so; not on account of the *Pizarro*, but on account of their not having any money to pay me.

31. Q. So that you signed this bond after consultation with Quesada?—A. I signed this bond through the orders of Quesada, as he was the person that employed me, and I took my orders from him and nobody else.

Cross-examined by Mr. Tremain:

32. Q. When did you first see Mahl Brothers?—A. The first time I met them was in Aspinwall, when I joined that ship.

33. Q. And that was when?—A. That was in the end of March, 1872.

34. Q. On what business?—A. To order stores for the ship.

35. Q. What was their business?—A. Ship-chandlers and provision-merchants.

36. Q. At Aspinwall?—A. At Aspinwall.

37. Q. What was the entire amount of the indebtedness incurred on account of the ship to Messrs. Mahl Brothers up to the time you left Aspinwall?—A. I could only say so far as the amount of the bond—the bottomry-bond—was concerned. That is supposed to cover everything.

38. Q. So that as far as you know the amount was about the amount of the bottomry-bond?—A. About \$13,600, the amount of the bond.

39. Q. What conversation, and when, and with whom did you first have in regard to the bottomry-bond and its execution?—A. The first conversation that I ever had was with General Quesada, and it was only a few days before the ship sailed. I knew before that the ship would be detained on account of her debts there. The bills were deposited in the consul's office, but I had no idea of the amount of her indebtedness until I signed this bond. Quesada told me it would be necessary for me to sign a bottomry-bond to get the ship away. I told him I would do it when the bottomry-bond was made out. I signed the bottomry-bond in the consul's office afterward.

40. Q. Which consul?—A. The American consul in Aspinwall, Mr. Perry. The bottomry-bond was given about three or four weeks after I joined the ship. I first joined her at Aspinwall in about March, 1872. I think it was payable in Puerto Cabello, but don't recollect how long it was to run.

41. Q. What do you know about its payment?—A. I only know what the English consul in Puerto Cabello told me, about that \$6,000; and that was that Quesada had already paid \$6,000 to the English consul for the account of Mahl, at Curaçoa.

42. Q. When was it that the English consul told you?—A. He told me this after I had left the ship and had been to Caracas and returned; this was in the latter part of the month of July, 1872.

43. Q. Was the ship there then?—A. The ship was there then.

44. Q. Captain Smith was then in command?—A. Yes. She was without any captain at all for several weeks.

45. Q. I mean at that time?—A. At that time he was.

46. Q. When did you next hear anything of the bond?—A. I have not heard anything of it, except what I talked to Mr. Patterson about it in New York.

47. Q. What was the message you received from Mr. Patterson?—A. The message I received was that he wished to see me.

48. Q. A verbal message to that effect, that is all?—A. Mr. Roberts told me.

49. Q. State all that occurred at that interview as nearly as you can recollect it.—A. Well, there was nothing, no particular business, occurred between us. It was more of a friendly talk than anything else. I told him about this bottomry-bond, however, which he knew nothing about up to that time; never heard of it.

50. Q. Did he demur to it or make any objections about it?—A. No.

51. Q. And when was that; about when?—A. October, 1872.

52. Q. What was the vessel worth when this bond was given?—A. Well, I am not a judge of prices.

53. Q. Anywhere near it?—A. She was worth her price in old iron; that was about all. I would not have taken her for a gift to have taken her anywhere.

54. Q. Can you give me a fair estimate of the value of the ship when you joined her, or when you left her; or about that time?—A. When I joined her she was not worth as much as when I left her, hardly. I can't give any estimate; it depends entirely on what part of the world the ship would be what her value was.

FR'S BOWEN.

Subscribed and sworn to before me this 5th day of December, 1873.

JOSEPH GUTTMAN, JR.,

United States Commissioner, Southern District of New York.

And now I, Joseph Guttman, jr., a duly appointed commissioner of the United States circuit court for the southern district of New York, in attestation, do hereby certify that the foregoing questions and answers, after having been written out as above, were read to the foregoing witness, and were in my presence signed by him, and in attestation of the verity and solemnity of all of the foregoing I do hereby attach my signature and seal of office this sixth day of December, in the year one thousand eight hundred and seventy-three.

[SEAL.]

JOSEPH GUTTMAN, JR.,

United States Commissioner, Southern District of New York.

[Inclosure 7.]

Deposition of Charles Smith.

UNITED STATES OF AMERICA,
Southern District of New York, ss :

To all to whom these presents shall come :

I, Joseph Guttman, jr., a commissioner of the United States circuit court for the southern district of New York, duly appointed and commissioned, and dwelling in the city of New York, send greeting :

Know ye, that on the third day of December, in the year of our Lord one thousand eight hundred and seventy-three, before me, at my office, No. 29 Nassau street, in the city of New York, appeared as a witness Capt. Charles Smith, a mariner, formerly on board the steamship *Virginus*, produced by the consul-general of Spain for the district of New York, in the United States of America; and that I was attended at the same time by Sidney Webster, esq., counselor at law in said city, representing the aforesaid consul-general of Spain, and by Mr. Tremain, assistant district attorney of the United States for the southern district of New York, attending by the direction of the Secretary of State of the United States; and that the aforesaid witness, having been first duly cautioned by me to declare the truth, the whole truth, and nothing but the truth, in respect to the matters concerning which he should be interrogated, and having then been duly sworn by me according to the laws of the United States, did, in answer to the interrogatories addressed to him in my presence, voluntarily, freely, and solemnly declare and depose in my presence as follows, that is to say :

1. Question. What is your age, occupation, and place of birth?—Answer. My age is 45; occupation, ship-master; place of birth, Troy, N. Y.

2. Q. For how many years have you been a ship-master, and of what vessel are you now master?—A. I have been a ship-master about ten years, and I am master of the steamship *Mediator* at the present time, running between New York and Norfolk, Va.

3. Q. When did you arrive in this port in the *Mediator*, and when do you sail?—A. I arrived Monday morning, and sail this evening between 4 and 5 o'clock.

4. Q. Did you ever command the steamship *Virginus*; and, if so, when did you assume command and where, and when and where did you give up your command?—A. I took command of her some time in June, 1872, either before or shortly after the middle of June, at Puerto Cabello; and I gave up command of her at Maracaibo in November—I think it was November 15, 1872.

5. Q. Who, if you know, was in command of the *Virginus* immediately before you?—A. Captain Bowen.

6. Q. How did you happen to be in Puerto Cabello and to take command of the *Virginus*?—A. I went to Laguayra first as mate of a brig from Philadelphia, and from Laguayra I went to Puerto Cabello, and there I heard that this steamer was there, and that she was without a master, and I applied for the situation and got it.

7. Q. To whom did you first apply, and with whom did you contract to become her master?—A. I first applied to Alfaro; I think his first name is Pedro. When I first saw Alfaro, General Manuel Quesada was with him, and I considered Alfaro as a sort of business agent of Quesada and of the ship. There was a consultation held then about the matter between Quesada and Alfaro, and Alfaro turned around to me and says he, "Captain, the general wishes you to call to-morrow, at half-past 8;" so at half-past 8 I called. I did not find Alfaro there at that time, but Quesada handed me a letter, and asked me to take it to Alfaro on board the ship. I took the letter on board, and Alfaro opened it and read it, and then he stated his terms to me and asked if I would accept them, and I did, and joined the ship immediately and took command.

8. Q. Please state what those terms were.—A. He was to give me \$200 a month, and extra pay if we did any extraordinary work. To land an expedition I was to have extra pay. The way they put it to me, I considered that I was to have about \$5,000 extra pay. The words were said in this way: "If you run in an expedition it will be as good as \$5,000 to you, besides your pay."

9. Q. Expedition to what place?—A. To Cuba. Of course they did not tell me that the first day, but it was all understood.

10. Q. When you took command of the *Virginus* did you find any ship's papers on board; and, if so, what papers?—A. I found nothing on board but the log-book, and that was not written up; but I did find the papers at the consul's.

11. Q. Describe, as correctly as you can, what papers belonging to the ship you found at the American consulate in Puerto Cabello.—A. As near as I can recollect I found a certificate of registry with no official number marked on it, and no crew-list. I found a bottomry-bond attached to the papers for about \$10,500, American gold, purporting to have been given at Aspinwall by Captain Bowen.

12. Q. Describe what flags, if any, you found on board the *Virginus* when you took command.—A. I found an old Venezuelan flag and an old American ensign.

13. Q. Any of any other description?—A. No, sir, I did not find them at that time; they were on board of her, though, but I did not find them then. A few days afterward I was shown three Cuban flags on board.

14. Q. Do you know where and when that American ensign was procured?—A. Yes, sir, at Aspinwall; it was bought for \$25.

15. Q. How long before?—A. I could not tell the exact time; it was probably two months at least, and may-be three months.

15. Q. When you took command of the *Virginus* what officers of the ship did you find aboard?—A. I found no officer there except one man who was acting as mate; I don't know his name; he only stayed three days.

17. Q. Was there any crew on board?—A. Yes, sir; there were two English sailors, one Cuban oiler, one Cuban engineer, and one American engineer, (Knight,) one English oiler, one Cuban steward, and a Cuban as a purser, and Alfaro was there—I don't know whether you would count him as one of the crew or not—and a cook, a Venezuelan, and two Venezuelan boys; that was all.

18. Q. Were any officers engaged by the ship in Puerto Cabello before you sailed from there?—A. No; I had no officers.

19. Q. Was any crew shipped at Puerto Cabello after you took command?—A. Yes, sir.

20. Q. How many, and of what nationality?—A. I shipped all hands there to make up a ship's company. I cannot tell the exact number, but I shipped in the neighborhood of eight deck-hands, I think; and I suppose I shipped twelve firemen and coal-passers altogether. I probably shipped in the neighborhood of twenty-five, all told. They were all Venezuelans or Curaçoa men.

21. Q. Did they sign articles; and, if so, what was the voyage?—A. I made out the articles, and I recollect exactly what I made out: "To Curaçoa or any port in the West Indies, for a period not exceeding four months."

22. Q. Were the articles signed before the American consul?—A. Yes, sir; the principal part of them; the most of the crew signed on board.

23. Q. Do you remember the name of the American consul at Puerto Cabello at that time?—A. I cannot recollect his name; he was a doctor by profession.

24. Q. Did you have any conversation with the American consul at Puerto Cabello in regard to the character of the *Virginus* and her business?—A. Yes; very often.

25. Q. Please state, as near as you can remember, what he said to you about it?—A. I often had the old doctor tell me, up in the club-house: "Captain, I know very well that the *Virginus* ain't no business to my protection, but I can't help but protect her; I don't know what to do;" and when a man-of-war would come in he would try to throw the *Virginus* off on her.

26. Q. Did he make any objection or obstacle to the shipping of the crew on her before himself?—A. No, sir; he never made any objection.

27. Q. Were you present at any interview between Alfaro and the American consul in respect to the *Virginus*?—A. Yes, sir; I was present at a great many interviews they had in respect to the *Virginus* quite a number of times. I objected to their talking Spanish once or twice, but still it was always done.

28. Q. Do you speak or understand Spanish?—A. No, sir; very little.

29. Q. When you sailed from Puerto Cabello had you any cargo on board?—A. No, sir.

30. Q. Had you any passengers?—A. None but General Quesada and Alfaro.

31. Q. Whom, at Puerto Cabello, did you consider the owner of the *Virginus*?—A. I always considered that Alfaro was the owner.

32. Q. Did you ever have any instructions or communication from Patterson into the *Virginus*?—A. I never had a word.

33. Q. When you cleared from Puerto Cabello did you go to the custom-house yourself?—A. No, sir.

34. Q. Who did clear her at the custom-house?—A. Alfaro.

35. Q. When you sailed from Puerto Cabello what were your orders as captain?—A. When I sailed from Puerto Cabello I did not have any idea just before I sailed that Quesada was going along with me, and when I was ready I was on the wheel-house, and I told Alfaro to tell the general that if he was ready to go ashore he had better go; and Alfaro says to me, "The general says if you are ready to go, go, and shape your course for St. Thomas." Says I, "We ain't got fuel enough to go to St. Thomas, but, damn it, let her go. Obey orders or break owners;" and I started.

36. Q. Did you lay your course for St. Thomas?—A. Yes, I laid my course what would be the proper course for St. Thomas. I stayed on the wheel-house quite a while, and the Spanish man-of-war got away right after me. I went down off the wheel-house after I got out of the harbor. I went aft, where General Quesada was sitting, and he says to me, "Captain, come here, I want to speak to you." He says, "I will tell you where I want to go now. I want to go to Maracaibo." He also stated, "Pulgar is a friend of mine, and I will get plenty of money there."

37. Q. Did you go to Maracaibo?—A. Yes.

38. Q. Were you followed out of the harbor of Puerto Cabello by a Spanish man-of-war?—A. Yes.

39. Q. For how long a time?—A. Well, I could see him for about three hours.

40. Q. Did you outsail the cruiser?—A. Yes, sir.

41. Q. How did the consul at Puerto Cabello know that you were an American citizen?—A. He asked me if I was an American citizen, and I told him "yes." I said, "I have a United States Government certificate."

42. Q. Did you take any oath before him of citizenship?—A. No, sir.

43. Q. Do I understand you that when the *Virginus* sailed from Puerto Cabello the only two American citizens on board were yourself and Knight, the second engineer?—A. Yes, sir.

44. Q. As from what country were the Cubans on board put on the shipping-articles?—A. Most of them from Mexico.

45. Q. Was the *Virginus* advertised for sale at Puerto Cabello?—A. Yes, sir.

46. Q. In what paper, if any?—A. I cannot tell the name of the paper. It was in the regular paper. I think there was but one paper there.

47. Q. Was she advertised to be sold at auction?—A. Yes, sir.

48. Q. Was she sold at auction?—A. Yes, sir.

49. Q. Were you present at the sale?—A. Yes.

50. Q. Was she knocked down and bid in?—A. Yes.

51. Q. For what price?—A. Seventeen thousand five hundred dollars.

52. Q. To whom, and by whom?—A. She was bid by proxy by Alfaro for an Englishman by the name of Bayley. The auction was in the cabin of the *Virginus*, and we were all sitting around the table. Alfaro said he had a telegraph to bid \$17,500 for Bayley, of Caracas, an English civil engineer, I believe.

53. Q. Did the United States consul know anything of this sale?—A. He was present at the sale.

54. Q. Had the *Virginus* been appraised previously to this?—A. Yes.

55. Q. By whom?—A. By regularly-appointed appraisers from the shore.

56. Q. Who appointed them?—A. I was the man to appoint them, but they were appointed by Alfaro. I signed the documents. It was mere matter of form for me, for it was all in Spanish. I had to appoint two, and they had to appoint one. The appraisement was by a carpenter and an engineer, and I don't know what the other was. There were three of them.

57. Q. At what sum did they appraise her?—A. Eighteen thousand dollars—hull and engines.

58. Q. For what was the *Virginus* sold?—A. Under the bottomry-bond.

59. Q. Do you know whether there were any proceedings before a judicial officer in Puerto Cabello?—A. Yes, there were.

60. Q. After the sale did the English consul at Puerto Cabello say anything to you in respect to it; and, if so, what?—A. Yes; the English consul met me the next day after the sale, I think, but I am not certain about dates; it was shortly after the sale. He said to me, "You are going to hoist the English flag." He said, "I have a telegram from the English minister at Caracas to seize her for a pirate if she hoists the English flag."

61. Q. Did you report this to Alfaro; and, if so, what did he say?—A. I reported it to Alfaro, and he said, "Never mind; we are not going to hoist the English flag."

62. Q. Had you, previous to this sale and about this time, been making an English flag; and, if so, by whose order?—A. I was making an English flag by order of Alfaro actually before the sale, and, when he heard about this, he said, "Never mind about the English flag." I got the English flag as far done as the union, and we used the union afterward as a signal at the main.

63. Q. Did you have any conversation with the American consul subsequently about the sale?—A. Yes.

64. Q. What did he say?—A. He told me the ship was sold; and, said he, "Captain, I will have to take your register and cut it in two, send one-half to the Department at Washington and give you the other half." He also said to me, "Captain, don't hoist the American flag again." The money for the purchase was to be paid in three days, and I asked the American consul if I had a right to hoist the American flag before that time was up, and he said, "No."

65. Q. Was the money paid?—A. No, sir.

66. Q. Do you know why it was not paid?—A. Yes, sir; because they did not want her to go under the English flag.

67. Q. Did you go with Alfaro before a court at Puerto Cabello, and sign any papers there in respect to the non-payment of the money and the sale?—A. Yes, sir.

68. Q. Do you know what the papers were?—A. No, sir. Alfaro told me they were papers declaring the sale null and void.

69. Q. Did you go before the American consul in respect to declaring the sale null and void?—A. Yes, sir.

70. Q. What did the American consul say, if anything, in respect to it?—A. I could

not exactly recollect what he did say, but I know he made some remarks with reference to getting rid of the ship; he said he did not know what to do about it hardly; he said he had hoped he had got rid of the ship.

71. Q. After this did Alfaro, at Puerto Cabello, suggest to you that you go on a trial-trip with the *Virginus*?—A. Yes, sir.

72. Q. Did you apply to the American consul at Puerto Cabello for the ship's papers to go on this trial-trip; and, if so, what did he say to you?—A. Yes, sir; I applied, but he refused to give them to me.

73. Q. Did he assign any reason?—A. I said to him, "It is only for a trial-trip," and then he made use of the expression, "Yes, the *Alabama* went on a trial-trip."

74. Q. Do you know whether, at that time, he consulted with Captain Renshaw, in command of the American war-vessel *Canandaigua*, which was lying then in Puerto Cabello?—A. Yes, sir; I know he consulted with Captain Renshaw, for it was done in my presence.

75. Q. Did you hear the advice which he gave to the consul; if so, what was it?—A. Not to let her go on a trial-trip. Then Captain Renshaw turned around to me, and said, "You shan't go out on a trial-trip; but if you want to go to Key West, I will take you to Key West; if you go out you will excite these Spanish people"—meaning the Spanish man-of-war lying there. Captain Renshaw also made the remark, "I know the ship is not entitled to American protection, but I will protect you if you go out to Key West, but you shan't go out on a trial-trip."

76. Q. All this happened after the auction of which you have just spoken?—A. Yes, sir; that was after the auction, I am confident.

77. Q. About what date was this, as near as you can give it?—A. I think it was somewhere between the 20th and 26th of July, 1872.

78. Q. About what date did you leave Puerto Cabello for Maracaibo?—A. August 7, 1872.

79. Q. After leaving Puerto Cabello, and you got clear of the Spanish man-of-war, did Alfaro make any statements to you in respect to what might be done with the *Virginus*?—A. Yes, sir; he made the statement, as coming from General Quesada, that they would like to arm the ship—put guns on board of her.

80. Q. Did he say anything about having commissions on board?—A. He also told me that he had blank commissions on board to be filled up, and offered me a commander's position in the Cuban navy.

81. Q. I understand you that Chamberlain was on board the *Virginus* as chief engineer?—A. Yes, sir.

82. Q. Did he wear any uniform; and, if so, what was it?—A. He wore what they call a Cuban uniform generally in port, and when he was off duty out at sea.

83. Q. On the voyage from Puerto Cabello to Maracaibo, how many flags did you have on board, and of what nationality?—A. We had six Cuban flags, one American flag, and one Venezuelan.

84. Q. When you speak of a Cuban flag, do you mean the Spanish flag, or the flag of the insurrection?—A. What they call the Cuban flag—I mean the Cuban flag, the one of the insurgents; it was their flag; it is a flag composed of one star with a blue ground, and red and white stripes on it; I forget how many.

85. Q. On the voyage did you fly the Venezuelan flag?—A. No, sir; flew the Venezuelan flag at the fore when going into or out of port.

86. Q. Did you fly the American flag with it?—A. Yes, sir.

87. Q. Where did you fly that?—A. At the flag-staff over the stern.

88. Q. Then the Venezuelan flag was at the fore, and the American flag on the flag-staff over the stern?—A. Yes, sir.

89. Q. Was this the condition of the flags when she left Puerto Cabello?—A. Yes, sir.

90. Q. And when you entered at Maracaibo?—A. Yes, sir. Come to recollect now, we had another flag aboard that I knew nothing about. It was a private signal between Quesada and General Pulgar, and when that flag was hoisted at the fore it meant that General Quesada was on board the *Virginus*. It was a large white flag with a black ball in it; it was a very large flag, and that I hoisted at the fore when going past the fort at San Carlos.

91. Q. Where was the *Virginus* lying on the 10th of October, 1872?—A. She was lying in the harbor of Maracaibo.

92. Q. What flags did you hoist on the *Virginus* that day?—A. During the day we hoisted the American flag at the flag-staff, the Venezuelan flag forward, and a burgee at the main, and at night. There was a party on board that day and a band of music. For a little while they hoisted the Cuban flag at the flag-staff; it was presented to General Quesada by the ladies of Caracas.

93. Q. Was this the anniversary of the insurrection at Yara?—A. I was given to suppose so.

94. Q. On the voyage from Puerto Cabello to Maracaibo, did you have conversations with Quesada and Alfaro in respect to arming the *Virginus*, or making captures; and if so, what was the conversation?—A. Quesada, through Alfaro, told me that if we

got a chance, or, rather, he asked me how I would like to arm the *Virginus* and capture one of the Spanish mail-boats. I didn't say much. At one time I said, "You don't catch me after anything with the crew that I have got here." At one time he told me, said he, "Captain, I will give you a chance with the *Virginus* to go among the Spanish fleet and get away from them again." At the same time he had been complimenting me on the way I had handled the *Virginus*.

95. Q. At what date did you arrive at Maracaibo?—A. On August 11, 1872.

96. Q. Did Pulgar come on board the *Virginus*; and, if so, where?—A. When the *Virginus* first entered at San Carlos he came on board. That is the fort outside.

97. Q. With whom?—A. He had a couple of aids with him. I don't know what they were or what position they held.

98. Q. How did he come on board?—A. In one of our boats. I sent a small boat for him by the orders of Quesada.

99. Q. How long did you remain at Maracaibo in the charge of the *Virginus*?—A. Somewhere in the neighborhood of three months—a little over three months.

100. Q. What day did you leave her?—A. I think on November 15, 1872—somewhere in that neighborhood.

101. Q. Did you make a pleasure-trip with Pulgar and his suite on board on October 10, 1872?—A. Yes, sir.

102. Q. What was done on board the *Virginus* during this trip?—A. I suppose that there were probably on board, besides Pulgar and his suite, about fifteen or twenty ladies and as many gentlemen—somewhere in that neighborhood. We had a band of music, the government band, on board also. We had a dinner. The dinner took place on deck. This excursion started in the afternoon and got back toward 8 or 9 o'clock in the evening. Then we commenced dancing, and kept it up probably till 12 o'clock, and afterward had supper, and they ended it with speeches. The speeches, as nearly as I could understand Spanish, were all for Cuba. Every man that made a speech was for Cuba.

103. When you arrived in Maracaibo, did you deposit the ship's papers with the American consul?—A. Yes.

104. Q. What was his name?—A. Juttings.

105. Q. Did you have any conversation with Juttings about the character of this ship; and, if so, what did he say to you?—A. I had, a few days after I arrived. He said to me, "If I was you I would leave that ship and go away. She is nothing but a pirate, and by and by you will get taken and get your neck stretched," or some such expression as that. He also told me that when the ship was there before, the men came ashore with uniforms on and with side-arms, and that he wrote to the Government at Washington about it, but that the Government had never answered him, and, said he, "What can I do?"

106. Q. When you left the ship at Maracaibo, who assumed command of her as captain?—A. Knight, the second engineer, after I left.

107. Q. After you left Maracaibo and arrived in Philadelphia, did you have any letter from the consul at Maracaibo in respect to the *Virginus*?—A. Yes, sir.

108. Q. Have you that letter?—A. No, sir; I have only got the envelope.

109. Q. What did he say in it to you about the ship?—A. He said that he cleared the *Virginus* for Curaçoa, with Knight for captain; and he also made the remark in the letter, "The Lord only knows where she will go, but I cleared her for Curaçoa." Here is the envelope. I tore up the letter, as there were some private things in it.

110. Q. Have you seen Alfaro since you left the *Virginus* at Maracaibo; and, if so, where?—A. Yes, sir; I saw him in Twenty-third street, New York City, at the house of Ramon Cespedes; I forget the number.

111. Q. What did he say to you about the ship, if anything, after she left Maracaibo?—A. He said to me, "Captain, I had to navigate the ship myself to Curaçoa. We put Knight in command for the purpose of clearing her with the American consul at Maracaibo, but I had to navigate the ship myself, and I worked her just the same as you used to show me how."

112. Q. Have you seen General Quesada in New York City since you returned from Maracaibo?—A. Yes, sir.

113. Q. When did you see Alfaro?—A. I cannot state the date, but I think it was somewhere in the neighborhood of about four months ago. I saw Quesada at the same time. Once I saw him at the same house as Alfaro; twice I saw him at No. 33 Thirty-third street.

114. Q. During the time you were in command of the *Virginus*, had she any number indorsed on her papers?—A. No, sir.

115. Q. Had she any number marked on her main beam?—A. No, sir.

116. Q. Did you ever make any reports to Patterson, either verbally or in writing, in respect to the *Virginus*?—A. No, sir.

117. Q. Have you ever had any conversations with Alfaro in respect to Patterson?—A. Yes, sir.

118. Q. In respect to the ownership of the *Virginus*?—A. Yes, sir.

119. Q. What did Alfaro say to you in respect of Patterson's ownership?—A. Alfaro one day—don't know when it was, or how the conversation came about, but I recollect it quite well; he said that Patterson did not own a dollar of the ship, and also said that the ship should never go to the United States again. He did not say it exactly in those words. He said something else about how they got him to go on the papers, but I cannot tell exactly what it was. It was about the time of this sale, and about what they were going to do about it.

120. Q. Did you have any correspondence at Puerto Cabello with the commander, Potter, in respect to the *Virginus*?—A. Yes, sir.

121. Q. Is this (producing a paper) the original of the letter to you, and will you not hand it to the commissioner? (Appended and marked Exhibit A.)—A. Yes, sir.

122. Q. Is this (referring to the paper) the rough draught of the reply you made to him?—A. Yes, sir. (Appended and marked Exhibit B.)

123. Q. Who paid you your wages?—A. Alfaro; all that I got.

123. Q. During the time that you commanded the *Virginus*, whom did you consider to be her owners?—A. I considered General Quesada and Alfaro as her owners. I had every reason to suppose that they were the owners. I recognized nobody else as the owners but Alfaro and Quesada.

The district attorney, having been notified by Mr. Webster but a few minutes before the examination took place, was unable to be present, but was represented by his assistant, Mr. Tremain, who interrogated the witness as follows:

124. Q. What is your entire knowledge concerning the bottomry-bond that you have spoken of, and of its origin?—A. My knowledge of it is from seeing it attached to the certificate of the ship in the hands of the American consul at Puerto Cabello, when I first joined the ship as master of her.

125. Q. Have you any knowledge of the consideration of that bond otherwise than that?—A. No, sir; it was made in Aspinwall by another man.

126. Q. What did you hear Alfaro say about that?—A. I have heard Alfaro say in several instances about that bottomry-bond, when I would speak about going to sea, "We will make that bottomry-bond all right." Alfaro took up the bottomry-bond afterward in his own name, giving bonds to pay it at Caracas in six months after date.

127. Q. When was that done?—A. A few days before I sailed for Puerto Cabello. I could not tell you the exact date.

128. Q. Was that done before the American consul?—A. Yes, sir.

129. Q. What did you hear him say about the original bond at that time?—A. I heard him say that the original bond was canceled then. They canceled the original bond, and he took it. It was made out in his name then.

130. Q. He paid no money?—A. Not in my presence.

131. Q. After that was it paid?—A. Never in my presence or to my knowledge.

132. Q. You know nothing about the final cancellation of this second bond?—A. No, sir.

133. Q. When you say you considered Alfaro and Quesada as owners, do you mean that you had any knowledge of any consideration being paid by Quesada for any interest in the vessel?—A. No, sir, I had no knowledge; I merely say that because I was given every reason to suppose they were the owners by their actions, and by the way the business of the ship was carried on.

134. Q. Do you know of any consideration passing from Alfaro to anybody else for any interest in the vessel?—A. I don't.

135. Q. You received all the directions concerning the management of the ship from Alfaro?—A. Yes, sir.

136. Q. When you turned over the ship and its command, what papers did you leave for your successor in command of the ship?—A. I left the certificate of registry and this bottomry-bond of Alfaro's at the consul's. When I left the ship, the papers were on board of the ship, and I deposited them at the consul's. I had got them from the consul's to tow a vessel out to sea—a schooner. That was a temporary employment. When I left the ship I was very sick, and took the papers up to the consul's, and deposited them with him, and told him I was going to leave. I deposited the certificate of registry, and this bottomry-bond of Alfaro's, and the crew-list that I had from Puerto Cabello. I left them all with Mr. Juttings.

137. Q. What flags were on board the vessel at that time?—A. There was one American flag, one Venezuelan flag, and six Cuban flags. I don't know as they were all on board at that time. Quesada had left at that time, and gone to Caracas, and he might have taken one of the Cuban flags with him.

138. Q. When did Alfaro leave the vessel?—A. He never left it while I was in it.

139. Q. When did Quesada leave?—A. He left it with Pulgar somewhere in the neighborhood of October, and went to Caracas with Pulgar and his suite.

140. Q. What did Captain Bowen say to you concerning the *Virginus* at or about that time?—A. I had no conversation with him about the *Virginus* one way or the other, except about her capabilities. He said she was a rotten, poor thing, that could not cross a mill-pond.

141. Q. What did you say when you were offered a Cuban commission by Alfaro?—A. I said I would think of it. I passed it off some way or other; but I can't tell you exactly what I said.

142. Q. What did you give him to understand?—A. I don't know just whether I gave him to understand that I would not accept of it; but I did not intend to accept of it, and I guess I gave him to understand that I would not accept of it under those circumstances, any way.

143. Q. When was the first time that you ever heard of Mr. Patterson in connection with the *Virginus*?—A. When I first saw her papers I saw his name.

144. Q. Did you ask anything about him?—A. I did not ask much about him at that time; but afterward I asked Alfaro about him.

145. Q. What did he say?—A. Well, very often he would try to pass it off in a laughing way; he would say, "Patterson is all right," or something like that. I heard him say once, "Patterson has got his price; we don't want anything more to do with him," or something to that effect. He would generally bring the conversation out in some such way as that.

146. Q. You never had any other information concerning Patterson's connection with the ship than what Alfaro gave you?—A. That was the only information I had.

147. Q. You are an American citizen?—A. Yes, sir.

148. Q. Did you ever have any written orders while you were in command of the *Virginus*?—A. No, sir; I never had a written order.

149. Q. Did you ever make any other trip in her except from Puerto Cabello to Maracaibo?—A. No, sir.

150. Q. How long had you been in command of her before you were aware that there were judicial proceedings pending or to be instituted?—A. It was a very short time after I got command of her.

151. Q. What did you hear?—A. Well, at one time Alfaro said, "If we could only sell her to the Spaniards! Why don't they buy her?" We were blockaded by the Spaniards, you know, while we were lying there, and he says to me, "If the Spaniards give \$50,000 for her, we will sell her and go to Europe and get another one."

152. Q. Were there efforts made at that port to sell the vessel?—A. There were no efforts made until at or about the time of the sale; that is, not to my knowledge. I know Alfaro told me, either once or twice, that Guzman Blanco would buy her if he had the money, but he had not the money. Guzman Blanco was the President of Venezuela. They wanted from him about \$60,000 of their money; that is somewhere in the neighborhood of \$50,000 American gold. Alfaro said they would sell the vessel to Guzman Blanco if he had the money to pay for her.

153. Q. What were those judicial proceedings?—A. The proceedings were these: the sale was for the bottomry-bond. They had to advertise so many days in the papers for proposals for this money, and of course that was not forthcoming, and then the ship was to be appraised, and according to law a ship cannot be sold for anything more than she is appraised for, because it would not be a *bona-fide* sale, and the only bid was \$17,500.

154. Q. Who appointed the appraisers?—A. Well, I was considered to, but Alfaro did.

155. Q. What do you know about the consideration for that bottomry-bond?—A. I know nothing about the bond except that I saw it attached to the certificate of registry at the consul's. I think it was signed by Captain Bowen, but I am not certain. I don't know what the consideration for it was, nor do I remember, if I ever knew, to whom the bond was originally given. There were no other parties represented, at the time of the sale, in the cabin of the *Virginus*, except the judge, the auctioneer, Alfaro, the American consul, and myself; I think that was all, except this Cuban who was acting as purser. I saw no money pass.

156. Q. Do you think there was a cancellation of this first bottomry-bond and a new bond given, or was the bond assigned over to Alfaro?—A. I gave, as captain, a new bottomry-bond to Alfaro for the amount of the old bond, which was about \$10,000, and with that the consul canceled and Alfaro took up the old bond given at Aspinwall, but there was no money passed, and the bottomry-bond I gave was to be paid at Caracas six months after date.

157. Q. Do you know where this ship was when this bond became due—the one you gave?—A. I don't know where she was when it became due. She was nowhere near Caracas, however. When I said that there were two judges who declined to order the sale, I spoke only from general information. I was not accurately acquainted with all the steps in the judicial proceedings or with the special action of those two judges, otherwise than I have stated. I got all my information from Alfaro.

158. Q. Who was it that wanted this vessel to go on a trial-trip?—A. Alfaro.

159. Q. Was that after you had completed your repairs and were ready to go?—A. Yes.

160. Q. Was the Spanish man-of-war still in the harbor?—A. Yes; it was either the *Pizzaro* or the *Del Blanco*, or some such name. It was the same vessel that chased me and I outsailed her.

161. Q. How many war-vessels were there while you were in Puerto Cabello?—A. Two were there during the time I was there, the Shawmut and the Canandaigua. The Shawmut had been lying there some three or four weeks then.

162. Q. When you first took command of this vessel was there, to your knowledge, anything unusual or irregular in the papers of the ship?—A. The only thing unusual in the papers of the ship was that she had no official number; I guess that was about the only thing unusual. I refer to the official number on top of the register.

163. Q. Have you not known that to be omitted, sometimes, in a ship's register?—A. Not for any length of time.

164. Q. When you arrived at Maracaibo, did you pursue the usual course as to reporting to the American consul or leaving with him any papers?—A. Yes, sir; I pursued the usual course with him, but not at the custom-house. I did not enter at the custom-house. Any other vessel that came in had to go and deposit the papers at the custom-house, and then the American consul would go and get them.

165. Q. But you pursued the usual course so far as the American consul was concerned?—A. Yes, sir.

166. Q. What papers did you deliver to him?—A. I delivered to him the certificate of registry, the bottomry-bond, and the crew-list.

167. Q. What did the consul at Puerto Cabello say to you concerning the Virginus being entitled to official protection?—A. I have heard him express doubts whether she was entitled to any American protection at all. He did not believe that she was entitled to it, but he did not know how to get rid of it. He worked more under the orders of the United States minister than of anybody else. The Maracaibo consul could not work under him, because it would take six or seven hours to get communication.

168. Q. Did the consul at Puerto Cabello tell you that he did not know what else he could do?—A. He told me that he did not actually believe that the Virginus was entitled to protection. The old man felt very much relieved when she was sold at auction, for he thought he was going to get rid of her. He said that he was going to cut the register in two, and give me half, and send one half to the Department at Washington.

169. Q. What did the consul at Maracaibo say to you about her?—A. He said to me, "Why don't you get rid of that *damned* pirate? She is nothing but a pirate, and you will get caught by and by, and they will hang you, and I want to see you off, any how, though I do not care for any of the rest." Juttings did not believe that she was entitled to protection at all. There were only one or two American citizens on board, and he knew that very well.

170. Q. Did either of those officials express any doubt as to her right to their official protection by reason of any irregularity in the ship's papers?—A. No; neither one of them expressed doubt about the regularity; because if they had found the first flaw they would not have protected her.

171. Q. So far as you know, there was nothing to which exception could be taken by either of those gentlemen in the performance of their official duties in that respect?—A. No, sir.

172. Q. Was she armed before you left her?—A. No, she was not what we call an armed ship—that is she was not armed with big guns; although there were rifles enough on board of her to arm the whole crew. There was probably in the neighborhood of 100 or 150 rifles. It was a large quantity of arms for a merchant-ship.

173. Q. When you left her was the American flag flying?—A. No, sir; when I left her we had no flag up. She was then down at the island of Taos. There was a coal mine there.

174. Q. At what time did you arrive at Maracaibo?—A. I think it was the night of August 11.

175. Q. You took no trip in her from that time until you left her?—A. Except to tow this schooner out about eighty miles outside of San Carlos, and the excursion of October 10.

176. Q. When you towed the schooner out did you make any clearance?—A. I went to the consul and got my papers. I made no clearance from the custom-house.

177. Q. Did you get a clearance at that time for a voyage from any port?—A. No clearance from any port. I simply got my papers, and towed this vessel out and returned.

178. Q. Was there any Spanish man-of-war about?—A. No, sir.

179. Q. When was that?—A. I cannot give the exact date. It was after the excursion—some time in October, I think.

180. Q. Why did you finally leave?—A. On account of my ill health.

181. Q. Do you know of any other matter or thing concerning the Virginus or her character, that you have not stated?—A. No, sir; not that I know of.

CHARLES SMITH.

Subscribed and sworn to before me this 3d day of December, 1873.

JOSEPH GUTMAN, JR.,

United States Commissioner, Southern District of New York.

And now I, Joseph Gutman, jr., a duly appointed commissioner of the United States circuit court for the southern district of New York, in attestation, do hereby certify that the foregoing questions and answers, after having been written out as above, were read to the foregoing witness and were in my presence signed by him; and in attestation of the verity and solemnity of all of the foregoing, I do hereby attach my signature and seal of office, this third day of December, in the year one thousand eight hundred and seventy-three.

[L. S.]

JOSEPH GUTMAN, JR.,
United States Commissioner, Southern District of New York.

EXHIBIT A.

UNITED STATES STEAMER SHAWMUT, (4th rate,)
Off Puerto Cabello, Venezuela, South America, June 26, 1872.

SIR: Will you be good enough to inform me, if you can, when the *Virginus* will be ready to proceed to sea? Not only when her repairs will be completed and stores supplied, but when her indebtedness will be so settled that she will be clear.

Very respectfully, your obedient servant,

EDW'D G. POTTER,
Commander Commanding.

CHARLES SMITH, Esq.,
Commanding Steamship Virginus.

EXHIBIT B.

STEAMSHIP VIRGINUS, *June.*

SIR: Your communication of the 26th instant has been received. In reply to your questions concerning this steamer, I have to state that her repairs and stores, including coal, will be complete between the 1st and 6th of July, 1872. I am unable to answer the question when her indebtedness will be so settled that she will be clear, as that rests altogether with Mr. Alfaro, the holder of the keel-bond, and as he is also providing funds for the disbursements of the ship, of course, he is the proper person to hold her or let her go.

EDWARD E. POTTER, Esq.,
Commander United States Steamship Shawmut.

[Inclosure 8.]

Deposition of Edward Greenwood.

UNITED STATES OF AMERICA,
Southern District of New York, ss:

To all to whom these presents shall come:

I, Joseph Gutman, jr., a commissioner of the United States circuit court for the southern district of New York, duly appointed and commissioned, and dwelling in the city of New York, send greeting:

Know ye, that on the twenty-fifth day of November, in the year of our Lord one thousand eight hundred and seventy-three, before me, at my office, No. 29 Nassau street, in the city of New York, appeared as a witness Edward Greenwood, a mariner, formerly on board the steamship *Virginus*, produced by the consul-general of Spain for the district of New York, in the United States of America; and that I was attended at the same time by Sidney Webster, esq., counselor at law in said city, representing the aforesaid consul-general of Spain, and by George Bliss, esq., attorney of the United States for the southern district of New York, attending by the direction of the Secretary of State of the United States; and that the aforesaid witness having been first duly cautioned by me to declare the truth, the whole truth, and nothing but the truth, in respect to the matters concerning which he should be interrogated, and having then been duly sworn by me, according to the laws of the United States, did, in answer to the interrogatories addressed to him in my presence, voluntarily, freely, and solemnly declare and depose in my presence as follows, that is to say:

1. Question. What is your age, occupation, place of birth, and citizenship?—Answer. I was forty-two years of age the 30th of last March; occupation, engineer.
2. Q. Marine engineer?—A. Marine engineer; yes, sir; birth New York City, and a citizen of the United States.
3. Q. When and where did you first know the steamer Virginus?—A. I first knew the steamship as the steamer Virgin, lying at the foot of Leroy street, in New York.
4. Q. At what date?—A. I could not give the exact date. I think it was the month of October, 1870.
5. Q. When, if you know, was her name changed from Virgin to Virginus?—A. Prior to her sailing; a day or two before we sailed, as near as I can recollect.
6. Q. Do you know anything of the circumstances under which it was changed?—A. I do not.
7. Q. In what capacity did you go on the steamer Virginus on her voyage from New York, October 4th, 1870?—A. I was first assistant engineer.
8. Q. By whom were you first approached to serve on the Virginus?—A. Mr. Marquiz.
9. Q. Who was he?—A. The chief engineer.
10. Q. When and where were you approached by him?—A. In the city of New York.
11. Q. How long before she sailed?—A. I could not tell you the exact time. It was in the neighborhood of two or three weeks.
12. Q. How long were you at work on the steamer before she sailed?—A. Probably a fortnight.
13. Q. Who directed you while you were employed on her before she sailed?—A. Mr. Marquiz.
14. Q. How long previous to that had you known Mr. Marquiz?—A. Probably a year or more.
15. Q. Do you know of your own knowledge whether he was an American citizen?—A. I do not.
16. Q. Do you know whether he was a foreigner by birth?—A. I cannot say.
17. Q. After the Virginus left the wharf at New York, and while proceeding down the bay, did you see a party come on board her from a tug-boat?—A. I saw them come on board off the Highlands—it was hardly in the bay—on the high seas, as I termed it.
18. Q. Do you remember the name of the tug from which they came on board?—A. The Virginia Seymour.
19. Q. How many were in that party, and what were their names, if you know any of them?—A. One was represented as General Quesada, another was named Mora, and one was pointed out to me by the name of Varona. There were probably ten or fifteen of them altogether. I can't be positive as to the exact number.
20. Q. Of what nationality did they appear to you to be?—A. Cubans.
21. Q. What was the first port the Virginus made after leaving New York?—A. Curaçoa.
22. Q. Did you sign shipping-articles in the port of New York before sailing on the Virginus?—A. Yes, sir.
23. Q. For what port or place did you sign articles?—A. I would not be positive whether it was Cedar Keys, Havana, or Mobile. It was a general topic of conversation that we were to run between those ports. That was what Marquiz told me when I shipped on the vessel. Cedar Keys, Mobile, and Havana were mentioned, and probably some portion of the Caribbean Sea.
24. Q. Was it ever said to you, or did you understand when you signed the articles, that you were to go to Curaçoa?—A. I was told confidentially by Captain Shepard, prior to our sailing, that we were going to Curaçoa—by Captain Shepard and Mr. Marquiz both.
25. Q. What else did they state to you about the character of the voyage, if anything?—A. Well, prior to taking the ammunition on board, when these Cubans came on board off the Virginia Seymour, we got into conversation about it, and I went to Captain Shepard and asked him "Where is this ship going?" Says he, "You know where we are going—going to Curaçoa." Says I, "This looks very suspicious, these men coming on board, each with a revolver hung on him, I ain't accustomed to going to sea in this way." "Oh," says he, "we'll be all right," or "all lovely," or something like that. Says I, "If they capture us we are liable, according to Spanish laws, if I know anything about them, to be shot or garroted, either one." "Oh, no," says he, "there won't be anything of that kind even if they do capture you." That was all that occurred until we arrived at Curaçoa.
26. Q. While the steamer was lying at Curaçoa, do you know anything of a schooner which arrived from New York; and, if so, what was her name?—A. Yes; the Billy Butts.
27. Q. How long was this after the Virginus arrived at Curaçoa?—A. I think we lay at Curaçoa eight or nine days, as near as I can recollect, before the schooner came in—about that time.
28. Q. What, if anything, did the Virginus do with that schooner, the Billy Butts?

A. We left Curaçoa along about dusk, and we exercised a great deal of caution in going out between the two forts there.

29. Q. Did the *Virginus* have the schooner in tow?—A. No sir; not at that time. We picked her up in the course of the night, and took her to Buen Ayre.

30. Q. An island?—A. Yes, I think it is an island.

31. Q. What happened next?—A. We took the powder, shot, shell, and ammunition out of her and put it on board the *Virginus*. My firemen turned to at it. The men were promised a dollar an hour in gold, because time was an object in getting this war-material on board. Immediately after getting it on board, the men came forward and wanted to know where the steamer was going. The whole ship's company, I think, came forward, with the exception of the officers. There was considerable chaffering and bickering, and I forget the precise sum they offered, but I think it was \$150 that they offered for each and every time they ran the blockade into the Island of Cuba. That offer was for the men, irrespective of their positions, whether they were firemen, coal-passers, or sailors; and there was some sort of arrangement made by Captain Shepard, through the interpreter, with General Quesada, and he (Quesada) gave a draft on the Bank of England, I understood, for a large amount, to make that arrangement good.

32. Q. Quesada gave a draft?—A. Yes, sir. I did not see the draft given, but the men said he gave it. Then we proceeded to Laguayra. At Laguayra Quesada and some of these other Cubans went ashore, and I think they stayed over night; at least the ship lay there over night. I think they went to the hotel there, the Posado Delphino. From Laguayra the steamer went to Puerto Cabello, and there this ammunition was taken out of the *Virginus*—some portion of it. I think there was some left on board, a small amount, but I won't say positively now.

33. Q. What was done with the cargo taken out of the *Virginus* at Puerto Cabello?—A. It was put into the fort—a Venezuelan fort—I think it is called Fort St. Michael's.

34. Q. Was any part of the cargo placed on any other steamer to your knowledge?—A. Yes; on *La Oriental*, a Venezuelan man-of-war, belonging to the party called the Yellows.

35. Q. After the cargo was taken out of the *Virginus*, where did she then go?—A. She proceeded from there to Laguayra and took in some troops there, and we took some beef-cattle on board, on the hoof; and then we proceeded to a place called Cumana, and Barcelona, and put these troops ashore—Venezuelan troops. From Barcelona we went back to Laguayra and Puerto Cabello.

36. Q. What, if anything, did you have to do with a Venezuelan gunboat at Puerto Cabello?—A. I went on board the *Oriental* at Puerto Cabello; the *Virginus* towed us out of the harbor. I was to superintend the repairs on the Venezuelan gunboat at St. Thomas.

37. Q. By whose request or order did you go on board that gunboat?—A. General Quesada's.

38. Q. In what language did he speak to you; or, if through an interpreter, who was the interpreter?—A. He spoke the Spanish, and the interpreter was named Socarras, I think. On that man-of-war with me there was a man by the name of Varona. He went on board with me. He was not the General Varona reputed to have been shot at Santiago. He was a Cuban.

39. Q. How many guns had that man-of-war?—A. I think she mounted eight guns.

40. Q. About what was her tonnage in American measurement?—A. About 500 or 600 tons.

41. Q. After you went on board of her where did she go, and what did she do?—A. The *Virginus* towed her out of the harbor of Puerto Cabello, and after we had been out some few hours we came across this Mosquito fleet, as I term them, of the Blues. They commenced loading the guns on board the vessel I was on, and they fired one shell, and the *Virginus* afterward took them in tow, and towed them to Laguayra. I proceeded in the *Oriental* to St. Thomas.

42. Q. How many schooners were in that Mosquito fleet?—A. There were five or six, as near as I can recollect.

43. Q. Were they schooner-rigged, and were they armed?—A. I cannot say positively, but I think they were armed. Most of those schooners are armed with one gun amidships.

44. Q. At or about the time the gun was fired from the steamer on which you were, did you see the *Virginus*?—A. Yes, sir.

45. Q. What was she doing?—A. She was lying still.

46. Q. How far from the steamer you were on?—A. Probably three-quarters of a mile.

47. Q. Was it clear weather, and could you see her distinctly?—A. Yes, sir.

48. Q. Did you see what flag she was flying?—A. Yes, sir.

49. Q. Describe it.—A. I saw her flying the American flag, and afterward the Venezuelan flag for a short space of time.

50. Q. Do you know whether General Quesada was on board of her at that time?—A. I was not on board of her myself; but my opinion is that he was on board of her.

51. Q. Did you see the Virginus subsequent to the capture of the Mosquito fleet?—A. Yes; at Puerto Cabello, after I returned from St. Thomas.

52. Q. Had you, previously to that time, seen anything of a Venezuelan flag on the Virginus?—A. The flag was made in her cabin. I did not see them making it, but I was told that it was making in there. A party said that he saw them buy the stuff at Puerto Cabello.

53. Q. Did you ever see any other flag flying from the Virginus besides the flag of the United States and the Venezuelan flag?—A. No, sir.

54. Q. Did you ever see any other flag on any of the small boats belonging to the Virginus?—A. I saw the Cuban flag on one of her quarter-boats.

55. Q. When was this?—A. This was prior to the turning over of the balance of the men-of-war that were in charge of the Blues. They turned over two ships, one called the Guzman Blanco, a side-wheel steamer, formerly called the London, and another one that was built in London for them, a propeller; a very large one. I forget her name. They were turned over to the Yellows.

56. Q. In what port was the Virginus lying at the time you saw the Cuban flag on one of her small boats?—A. Puerto Cabello.

57. Q. Was this before or after the Virginus towed out the Venezuelan man-of-war on which you were?—A. Before.

58. Q. Was it before the Virginus transported the Venezuelan troops along the coast to Barcelona?—A. I think not.

59. Q. Who was in the small boat at the time you saw the Cuban flag?—A. General Quesada, and some other Cubans, one or two, and Ambrose Rowlands, I think, and a man by the name of Miller. They pulled the boat. There was some other one, but I recollect only those two. One of them belonged to me—both, in fact.

60. Q. Did you see the flag on the boat yourself?—A. Yes, sir.

61. Q. Where did the boat go when it had this Cuban flag upon it?—A. They rowed out to a small island or strip of land near by.

62. Q. Did you see the small boat return to the Virginus?—A. I did not.

63. Q. How soon after this did you go on the Venezuelan man-of-war?—A. I cannot tell the exact time.

64. Q. Did you have any interview with any of the consuls of the United States in respect to the Virginus?—A. I did, with Dr. Lacombe, in Puerto Cabello.

65. Q. Did you make any statements to him in respect to the Virginus; and if so, what were they?—A. I related to him the facts of the taking of this ammunition on board from the Billy Butts, and I told him that my opinion was that she was engaged entirely in unlawful trade or traffic. This was prior to the affair with the schooners.

66. Q. What, if anything, did the consul say to you in reply?—A. He gave me but very little satisfaction. The communication we had was altogether verbal. He said she was "all right."

67. Q. Had Captain Shepperd left the Virginus before you left her?—A. Yes, sir.

68. Q. Who then took command of the Virginus as captain?—A. Marguiz was the man who was recognized as the captain. He was the only man that seemed to get clearances for her; so he told me himself. Mr. Camacho was the man that I always considered to be the captain of her.

69. Q. Did you ever see Consul Lacombe and General Quesada together?—A. Yes; I saw them at Puerto Cabello in the Hotel de Comercio. I boarded there quite a while after I left the Virginus.

70. Q. State what you saw or heard at that time, if anything.—A. They spoke in Spanish. I saw Quesada give him, Lacombe, some money, but how much I could not tell, nor for what purpose; but I know it was gold.

71. Q. In whose control did you believe the Virginus to be while you were on board of her?—A. Under the control of the Cubans, after we got on board the cargo from the Billy Butts. After Captain Shepperd left the ship I considered Camacho to be in control of her as the real navigator.

72. Q. What control, if any, did General Quesada appear to you to have over the Virginus?—A. Well, I did not see him assume command at all while I was on the ship.

73. Q. What relation did it appear to you that Quesada had to the Virginus?—A. I considered him as the owner of her.

74. Q. From what things, or act, or deed did you consider him to be the owner?—A. From a conversation that took place on the day that Captain Shepperd left; from remarks that I overheard. If my memory serves me right, Quesada gave Captain Shepperd to understand that he had the papers of that ship, and owned them.

75. Q. In what language was that conversation carried on?—A. The conversation was partly in Spanish and partly in English. I overheard some of it; I was sitting on the rail of the vessel at the time.

76. Q. With whom was Quesada having that conversation?—A. I could not remember the names of all of them; the whole party that went out with us—the Cubans; it was a general conversation.

77. Q. Did you ever see any documents or papers relating to the ownership of the vessel?—A. No, sir.
78. Q. By whom were you discharged from the *Virginus*?—A. I never was discharged, because I never went back to her again after I left her to go on board the Venezuelan gunboat.
79. Q. For what wages did you ship in New York?—A. Eighty dollars a month, I think.
80. Q. Were you ever promised any greater sum as wages?—A. I was told by Mr. Marguiz that if we did run the blockade we would be amply compensated for it.
81. Q. Where, and by whom, were you first paid any wages after you went on board the *Virginus*, and sailed from New York?—A. I was paid by the Cubans, in Puerto Cabello, by Mr. Arredondo, who went out with us on the ship from here. He came on board from the *Virginia Seymour*.
82. Q. Where was it you were paid?—A. In Puerto Cabello.
83. Q. Before you went on board the gunboat, or afterward?—A. Afterward.
84. Q. Did he pay you any portion of your wages earned on the *Virginus*?—A. He paid me the whole. He did not pay me anything for my services on the Venezuelan gunboat, but he did pay me in full for my services on the *Virginus*.
85. Q. At what rate of wages did he pay you?—A. Eighty dollars a month, with 20 per cent. off for gold.
86. Q. Why did he pay you?—A. I asked him for my money. I told him I wanted nothing more to do with the ship at all, and asked him for my money, and he went to Quesada and got the money, and came and handed it to me.
87. Q. Did you see him get the money from General Quesada?—A. He went into his room and returned with the money.
88. Q. How came you to apply to Mr. Arredondo to pay you, rather than to any other one of the Spaniards aboard?—A. From the simple fact that he spoke English.
89. Q. Who paid you for your services on the Venezuelan gunboat?—A. I don't think I ever got anything. I went in the custom-house there with General Oquinda.
90. Q. Where did you go into the custom-house?—A. At Laguayra; and they were speaking Spanish together; and then they took me before some of their officials there—the Venezuelan officials; then to Caracas, with a *diligence*, the capital of Venezuela. They gave me \$4 or \$5 in gold there. What their talk was I didn't know, because I didn't understand the language.
91. Q. That was all you ever got?—A. That is all.
92. Q. Did you ever endeavor to get any pay for your services there?—A. I asked them, but could not get any.
93. Q. Did you ever ask anybody on board the *Virginus* for your pay?—A. I asked Guzman Blanco.
94. Q. What did he say?—A. He knew nothing about it.
95. Q. Did you ask anybody on board the Venezuelan gunboat?—A. No, sir.
96. Q. Anybody who were described as Cubans?—A. No.
97. Q. Did you get some pay before you sailed?—A. Yes.
98. Q. From whom?—A. I don't know whether it was from I. K. Roberts or Patterson; I don't know which of the two.
99. Q. How much?—A. I don't know how many days I had worked.
100. Q. Who was Patterson?—A. He used to be a purser in Marshall O. Roberts's employ some years ago, but he acted as business man for him. I understood him to be.
101. Q. In connection with this vessel?—A. Yes, sir.
102. Q. You considered him acting for Marshall O. Roberts, did you?—A. For young I. K. Roberts, I believe, sir.
103. Q. You had a conversation with Captain Shepperd after the man came aboard, off the Highlands?—A. Yes, sir.
104. Q. Did you ever have any other conversation with Captain Shepperd, with reference to the *Virginus*, her use or destination?—A. Yes, sir; I had conversation with him a number of times.
105. Q. Can you tell us when they were, and where they were, and what was said in each?—A. O, it was during the voyage, or the cruise, we conversed together. We was very intimate—Captain Shepperd and myself.
106. Q. If you can tell us any specific thing, do so; and if you cannot, say so.—A. Can't tell any specific thing.
107. Q. When Captain Shepperd—he left under a disagreement with the—A. With General Quesada.
108. Q. Did you hear the cause of that disagreement stated?—A. Couldn't say positively about that. I heard a portion of it, as I said before, but the exact words I couldn't say. Captain Shepperd gave me to understand himself that Quesada owned the ship.
109. Q. He didn't tell you that he left because Quesada owned the ship, but for some other reason?—A. He left because they would not tell him where the ship was going. That is the reason he quit. I heard him say that himself.

110. Q. Captain Shepperd, then, did not from the outset expect to go to Cuba?—A. Couldn't tell.

111. Q. Did you not gather so from him?—A. I gathered that he did calculate.

112. Q. Did calculate to go to Cuba?—A. Yes, sir.

113. Q. Did you gather that he left because she expected to go somewhere else afterward?—A. No, sir; Quesada would not give him any information as to where the ship was going—wouldn't give Captain Shepperd. That is the reason he left.

114. Q. Where did Camacho come on board?—A. He went out with us.

115. Q. Came aboard at the Highlands?—A. Yes, sir.

116. Q. You mentioned that General Quesada and others went ashore at Laguayra?—A. At Laguayra.

117. Q. They came back aboard the Virginus before she sailed, didn't they?—A. Yes, sir.

118. Q. Did they come with you to Puerto Cabello?—A. I think they did, sir.

119. Q. This Venezuelan gunboat, was it a sailing-vessel or steamer?—A. A steamer.

120. Q. Was it a side-wheel?—A. No; twin screws.

121. Q. At the time the Mosquito fleet was captured did the Virginus have any guns mounted on board?—A. Don't think she had.

122. Q. She took no part in the capture more than lying by?—A. No, sir; no more than lying still.

123. Q. There was only a single gun fired from the gunboat?—A. That is all.

124. Q. Then the others surrendered?—A. Yes, sir.

125. Q. Now, this Venezuelan flag, flying on the Virginus during that temporary engagement: how long was it up?—A. Well, I don't think it was up more than ten minutes.

126. Q. During that time was there an American flag also flying?—A. I didn't see any.

127. Q. There had been prior to that?—A. I think so.

128. Q. Was the Venezuelan flag hauled down subsequently?—A. Yes; it was hauled down. I saw it when it was run up and when it was hauled down.

129. Q. Then was the American flag run up again?—A. Yes, it was—well, I couldn't be positive about that.

130. Q. Was that during this engagement?—A. Yes; as we fired the shot.

131. Q. What was done as you fired the shot?—A. The Venezuelan flag down on the Virginus.

132. Q. As you fired the shot?—A. Yes.

133. Q. When did you first see the Virginus after your return to Puerto Cabello; I mean when by the month?—A. I don't recollect the month.

134. Q. Was it 1870 or 1871?—A. I think in 1870; the latter part of 1870.

135. Q. Who told you that the Venezuelan flag was made in the Virginus's cabin?—A. Some of the crew; I don't recollect who.

136. Q. When was it that you saw Lacombe and Quesada together, when money was passed from Quesada to Lacombe?—A. Well, I was boarding at the hotel; the month I couldn't give.

137. Q. After your return from St. Thomas?—A. Yes, sir.

138. Q. How much?—A. I couldn't tell you.

139. Q. You could tell whether \$5 or — A. O, it was more than that; it was \$20 gold-pieces; how many of them I couldn't say. Of course I couldn't go up and look.

140. Q. What has been your occupation since that time?—A. Engineering, sir.

141. Q. Where?—A. Running to Savannah—different ports—New Orleans, &c. I have not been to sea recently.

142. Q. Where, if anywhere, are you now employed?—A. Not engaged at present, sir.

143. Q. Where were you last employed?—A. At John Roche's iron-works.

144. Q. How long ago?—A. About two months ago—in that neighborhood.

145. Q. Been out of employment for about two months?—A. Yes.

146. Q. How came you to make this statement here?—A. Well, sir, I done it on this account: I thought the Virginus was doing wrong—

147. Q. No matter about that. How came you in communication with anybody?—A. I went to the Spanish consul.

148. Q. Any agreement for compensation with you?—A. No, sir.

149. Q. Any understanding that you would be compensated?—A. No, sir; except I am to be paid for my time.

150. Q. How much time has that been?—A. Well, Saturday—

151. Q. Well, you have been employed in getting these other parties, have you not?—A. Yes, sir.

EDWARD GREENWOOD.

Subscribed and sworn to before me this 26th day of November, 1873.

JOSEPH GUTMAN, JR.,
United States Commissioner, Southern District of New York.

And now I, Joseph Gutman, jr., a duly appointed commissioner of the United States circuit court for the southern district of New York, in attestation, do hereby certify that the foregoing questions and answers, after having been written out as above, were read to the foregoing witness, and were in my presence signed by him; and in attestation of the verity and solemnity of all of the foregoing, I do hereby attach my signature and seal of office this twenty-sixth day of November, in the year one thousand eight hundred and seventy-three.

[SEAL.]

JOSEPH GUTMAN, JR.,
United States Commissioner, Southern District of New York.

[Inclosure 9.]

Affidavit of John McCann and Matthew Murphy.

SOUTHERN DISTRICT OF NEW YORK, ss:

John McCann and Matthew Murphy, being severally duly sworn, depose and say: That they are seamen by business; that about October 3, 1870, they went on board the steamer *Virginus*, in the port of New York, with the intention of going on her as sort of passengers to Mobile, Ala., having been informed that the crew of this steamer had signed articles for Mobile, Cedar Keys, and Havana; that they, both of them, know personally Thomas Anderson and George W. Miller, who were seamen on this steamer during this voyage; that they have heard read the affidavits of Anderson and Miller, dated 24th December, 1870, and all the statements therein made in respect to what was done on the *Virginus* are, as they believe, correct and true: that they, the said McCann and Murphy, remained on board the steamer after Captain Shepperd left her at Puerto Cabello.

And these deponents further say that the *Virginus* went from New York to Curaçoa, from Curaçoa to Laguayra, and at the latter place General Quesada, with three or four Cubans, left the steamer, which then went on to Puerto Cabello, where she arrived about October 24, 1870; that not many days after she reached Puerto Cabello, General Quesada and his staff came there in the Venezuelan steam gunboat called the *Oriental*, which was flying the Venezuelan flag; that soon after this gunboat came in General Quesada came aboard the *Virginus*, and not long after the cargo of the *Virginus* was placed, a part of it in the fort at Puerto Cabello, and a part placed on board this Venezuelan gunboat *Oriental*.

And these deponents further severally say that about the time the cargo was taken out of the *Virginus* nearly all the sailors and stewards of the *Virginus* left her, and one engineer by the name of Greenwood, but these deponents both remained on the *Virginus*; that the places of the sailors and stewards who went away from the *Virginus* were filled by sailors and stewards taken from the Venezuelan gunboat *Oriental*.

And these deponents further severally say, that after taking the cargo out of the *Virginus*, one Marquez, who was the chief engineer of the steamer from New York to Puerto Cabello, was nominally made captain, but, being an engineer, he did not understand navigation; and the sailing-master was one Camacho, who came on board the *Virginus* from the *Virginia Seymour* with General Quesada, in the harbor of New York; that the *Virginus* then went from Puerto Cabello along the coast of Laguayra, where she took on board a lot of people who were said to be Venezuelan soldiers, and carried them to Barcelona, where they got off, and the *Virginus* returned, touching at Laguayra and Puerto Cabello.

And these deponents further severally say, that after General Quesada was on board the *Virginus* took in tow the Venezuelan gunboat *Oriental*, before spoken of, and proceeded with her out to sea; that when the *Virginus* first started with the Venezuelan gunboat in tow she hoisted the American flag; that when not very far out at sea there was sighted a fleet of schooners said to belong to the party of "Blues," in Venezuela, each of them armed with one pivot-gun; that when they came in sight of the schooners the *Virginus* hauled down the American flag and ran up the Venezuelan flag, which was red, yellow, and blue, with seven stars; that pretty soon the gunboat *Oriental* fired on the schooners, and they hove to, and then the *Virginus* hauled down the Venezuelan flag and ran up the American flag again; and then General Quesada mounted up on the wheel-house of the *Virginus* and, striking his breast, said something which meant like this: "Americano, we take you into protection;" that then the gunboats surrendered, the *Virginus* taking five in tow, and the gunboat *Oriental* two in tow; and all went to Laguayra, where the *Virginus* left the schooners lying under the fort; and the *Virginus* coaled up at Laguayra, and then went to Curaçoa.

And these deponents further severally say that the first money they could get for their services on board the *Virginus* was after arriving, as just stated, at Curaçoa; that at Puerto Cabello they could get nothing; and when they left the steamer, or tried to leave

her, the consul of the United States told them they must go back, and the military of Venezuela drove them to the ship, but that at Curaçoa the men said that the articles had been broken, because the Virginus had carried the Venezuelan flag, and they insisted on being paid and discharged, and these two deponents were paid and sent to St. Thomas by the consul.

his
JOHN + McCANN.
mark.

his
MATTHEW + MURPHY.
mark.

Sworn to and subscribed by their marks before me, (the said affiants being unable to sign their names,) and being first read over and explained by me to the said affiants, who acknowledged that they fully understood the contents thereof, this 22d day of November, 1873.

H. J. BEGLY,
Notary Public, Kings County, New York.

[Inclosure 10.]

Deposition of Thomas Gallagher.

UNITED STATES OF AMERICA,
Southern District of New York, ss :

To all to whom these presents shall come :

I, Joseph Gutman, jr., a commissioner of the United States circuit court for the southern district of New York, duly appointed and commissioned, and dwelling in the city of New York, send greeting :

Know ye that, on the twenty-fifth day of November, in the year of our Lord one thousand eight hundred and seventy-three, before me, at my office, No. 29 Nassau street, in the city of New York, appeared as a witness Thomas Gallagher, a mariner, formerly on board the steamship Virginus, produced by the consul-general of Spain for the district of New York, in the United States of America; and that I was attended at the same time by Sidney Webster, esq., counselor at law in said city, representing the aforesaid consul-general of Spain, and by George Bliss, esq., attorney of the United States for the southern district of New York, attending by the direction of the Secretary of State of the United States; and that the aforesaid witness, having been first duly cautioned by me to declare the truth, the whole truth, and nothing but the truth in respect to the matters concerning which he should be interrogated, and having then been duly sworn by me, according to the laws of the United States, did, in answer to the interrogatories addressed to him in my presence, voluntarily, freely, and solemnly declare and depose in my presence as follows, that is to say :

1. Question. What is your age, occupation, place of birth, and present citizenship?—Answer. My age is forty-one; my occupation is ocean-steamship fireman; I was born in Ireland, and am not a citizen of the United States.

2. Q. Did you ship on board the steamer Virginus in October, 1870, on her voyage from this port; and, if so, for what voyage did you sign shipping-articles?—A. I shipped on her on the articles. I didn't read the articles, and when I asked Captain Shepperd some questions in regard to the articles, he made some joking remark, and told me he would see me as far as a crow would fly in a certain place before he would tell me any more, and so he verbally told us we were going to Cedar Keys and Mobile, to run between there and Havana, and mentioned at the same time that we might call in to some port or ports in the Caribbean Sea.

3. Q. Who was Captain Shepperd?—A. He was captain of the Virginus at the time, represented himself as such, and acted as such.

4. Q. Do you remember at what place you signed shipping-articles?—A. Signed shipping-articles at the foot of Leroy street and West street, New York City, aboard the steamer Virginus, in the cabin.

5. Q. Who, besides Captain Shepperd, do you remember was present at the time you signed articles?—A. Chief engineer.

6. Q. What was his name?—A. Marguiz.

7. Q. Who first suggested to you to ship on the Virginus?—A. A man by the name of Quigley, a water-tender, who was on the ship working on her when she came from Washington to New York, that I had been acquainted with previous. He asked me to go; he wanted me to come with him, and he introduced me to the first assistant engineer, Mr. Greenwood here, and I got a job.

8. Q. At the time you signed shipping-articles, and before the steamer departed out of the port of New York, was anything said to you about a voyage to Curaçoa; and, if so, what?—A. There was nothing said to me about the voyage to Curaçoa whatsoever, or any other place. I had no idea only she was going to run between some port of Florida and Cuba, I didn't care which. That is what I understood.

9. Q. After the *Virginus* left the port of New York what port did she first make?—A. Curaçoa.

10. Q. In what capacity did you serve on that voyage?—Served as fireman.

11. Q. Who was captain on the voyage?—A. Captain Shepperd was captain.

12. Q. Who was first engineer?—A. Marguiz was chief engineer. That is, first, I understood you.

13. Q. Do you know where Marguiz was born, or of what country he was a citizen?—A. I have heard it said that he was born in Poland. I never heard whether he was a citizen of this country. I could not tell anything about his citizenship.

14. Q. You mean of this country, the United States?—A. The United States; I could not tell where his citizenship was.

15. Q. Do you remember the day in October, 1870, on which the steamer set sail from New York?—A. Yes, sir; I have a distinct recollection of it. I can't say the day of the month. I did know, but I forget it.

16. Q. Had she, to your knowledge, any passengers on board when she left the wharf at New York?—A. No, sir; I didn't know that she had any passengers at the time she left the dock, but she did before she left the port.

17. Q. State who, and tell what happened.—A. We left the dock and went down the bay, and she stopped in the bay, and a tug-boat came alongside of her, and put some, what appeared to me, Cuban gentlemen aboard of the *Virginus*, and some boxes along with them. These boxes, I considered at the time that they had arms in them, such as revolvers and rifles.

18. Q. How many of these Cuban gentlemen, as you call them, were there, if you know?—A. I could not say the exact number, but I should judge there were more than ten, and somewhere between there and twenty; I think it was nearer twenty.

19. Q. Can you give the names of any of them?—A. There was one of them represented to me as General Quesada; there was another by the name of Varona; there was another by the name of Comancho. There were others whom I forget; I did know their names, but I have forgotten.

20. Q. Do you know the name of the tug?—A. I disremember the name of the tug.

21. Q. How long after the *Virginus* arrived in Curaçoa did she lie in the harbor before leaving?—A. The exact time I can't say, but she remained there some days—a few days. She remained there until a schooner arrived in there.

22. Q. What was the name of the schooner?—A. That I can't say. This schooner came from New York, and came in there from Curaçoa, and left there very suddenly out of the port. I understood the authorities were going to lay seizure on her, to examine her papers. The schooner went away first after coming in, and the *Virginus* followed her down the coast, where there was some salt-works. We came alongside of her in the evening and we banked our fires. The officers of the *Virginus* asked us firemen to assist in discharging the contents of the schooner into the *Virginus*, and we said we wanted to get pay for it. So, finally, they made an arrangement that they would pay us, and we helped all the freight—most of the freight was ammunition and arms—in the schooner, and there was provisions, a heavy load—a large schooner; then, after that, they gave us orders to get up steam and to get under way, and we refused to do so. We wanted to know where the steamer was going to. They told us she was going to Laguayra. We refused. We wanted to know the destination of the ship. We believed that she was going to Cuba to run the blockade; that we considered she would not take any heavy arms and ammunition if she was not going there, and they said "No." So, finally, they asked us what we wanted. We said we wanted to be paid, if we would run the risk to go to Cuba; and they told us to go to the fore-castle and consult among ourselves what our demand was, and to tell them. We done so, and came back and told them we wanted \$150 in gold each to run the ship in there—to work it; and, finally, they agreed to give us \$150 in gold, and then there was a written agreement drawn up, in the presence of myself and two other firemen, in the cabin of the ship, to that effect, they guaranteeing that they would give us \$100 in gold each for the run, and our wages to continue at the same time.

23. Q. Who did the talking at this time in behalf of the crew?—A. At the first time that we went aft we all went together, and each one had the privilege of speaking. I made some remarks, and one or two other men. Then, on another occasion, me and another man went aft; the other man was George Miller; and then, afterward, Captain Shepperd sent for me specially, and General Quesada sent for me on another occasion, and they talked about the crew and everything relating to the affairs of the ship that interested us. They talked it over to me, and wished me to advise the crew what was right, and they wanted me to get their discharge.

24. Q. At this time who told you where the steamer was going?—A. Captain Shepperd, and one of the Cubans told me in the name of General Quesada. The general was present, and he interpreted his words to me, and pledged his honor that she was going there.

25. Q. What was the name of the person who interpreted General Quesada's words to you?—A. His name I don't know. I recollect him good, and if I heard the name I would know it; that was the man who paid us off.

26. Q. Where did General Quesada and Captain Shepperd tell you the steamer was going?—A. They said she was going to Laguayra direct. They admitted, at the same time, that she might run the blockade, or that she might run into Cuba—we used to call it "blockade"—but that she was not going there directly, and that, whenever she would be going to leave any port to go direct to Cuba they would let us know.

27. Q. After this conversation in the cabin did the steamer get under way and go to Laguayra?—A. Yes, sir.

28. Q. What happened at Laguayra within your own knowledge? Did Quesada leave, or what happened?—A. No; there was nothing unusual. Some of them went ashore—some of the officers—and we stopped there for some time; the exact time I don't remember that we stopped there.

29. Q. After leaving Laguayra where did the steamer go?—A. I believe we went—I am not positive, but I believe we went to Puerto Cabello.

30. Q. How long did the steamer at that time remain there?—A. I believe she stopped about a week at Puerto Cabello at this time. She left there and returned again, and went up the coast.

31. Q. Please state what happened at Puerto Cabello at the first time the steamer was there.—A. We discharged the arms and ammunition. They were put into a fort there from the Virginus. They were put ashore into the fort at Puerto Cabello.

32. Q. A part of it was put there, and what was done with the rest?—A. The bulk of it was put ashore at the fort.

33. Q. What was done with the rest?—A. Kept aboard. They always had some arms aboard.

34. Q. Was any of it put into another steamer?—A. No, sir; I don't know of any being put into another steamer.

35. Q. After putting the cargo out of the Virginus she took on board what?—A. Venezuelan troops, and carried them down the southern coast of Venezuela to Barcelona, and left them there, and then the Virginus returned to Puerto Cabello. I am not sure whether she went then to Curaçoa before she towed out a man-of-war or not. I am not positive whether she towed out the man-of-war before she went to Curaçoa, or went to Curaçoa first. I have a kind of recollection that she went to Curaçoa and got coal, and then came back to Puerto Cabello and towed out a man-of-war.

37. Q. What man-of-war was this?—A. I don't mind what her name was, but I know saw her—a gunboat, like. She belonged to Venezuela. She was a Venezuelan man-of-war. It was stated that she belonged to Guzman Blanco. The Virginus towed the steamer out of the harbor of Puerto Cabello, and between Puerto Cabello and Curaçoa we met some schooners. I understood these schooners belonged to the opposite party in Venezuela. We towed the Venezuelan steamer out to sea, and we met some schooners, and this Venezuelan steamer fired a gun, and hove these schooners to, and these schooners surrendered. I heard at the time that General Quesada asked the captains of the schooners to surrender to him, and that they would have the protection of the American flag. That is what I heard, and the schooners did surrender, and the Virginus took them in tow. I don't know the exact number that she took in tow. She took two, I know, in tow to Laguayra. I believe the Venezuelan war-steamer took the balance of the schooners in tow.

38. Q. After the Virginus arrived at Laguayra, with these schooners in tow, what did she next do?—A. She went to Curaçoa, and from there to Puerto Cabello, and from there back to Curaçoa again, where I left her. I am not certain whether she called at any intermediate ports in the mean time.

39. Q. While you were on the Virginus what flag did she fly?—A. She flew the American flag, excepting on one occasion; during the time she was assisting the capture of these schooners the Venezuelan flag was run up on the Virginus.

40. Q. Did you never see the Virginus fly any other flags but the United States and the Venezuelan?—A. I never did see the ship fly any other flags. I saw one of the ship's boats flying the Cuban flag. I saw one of the Virginus's small boats fly the Cuban flag.

41. Q. Please state distinctly when and where you saw a small boat of the Virginus fly a Cuban flag, and who was in the small boat at the time. A. It was at Puerto Cabello, and General Quesada and Varona were in the small boat at the time, and a portion of the crew of the Virginus—Ambrose Rollins and George Miller, two of the crew, were in her.

42. Q. At this time did General Quesada and Varona go directly from the Virginus into the small boat?—A. Yes, sir; they did.

43. Q. Do you know where they went at the time the small boat had the Cuban flag?—A. They went toward a man-of-war that lay outside the harbor a short distance; a Venezuelan man-of-war.

44. Q. Was this the same Venezuelan man-of-war that the *Virginus* towed out to sea and captured the schooners?—A. No, sir.

45. Q. Do you remember the name of this Venezuelan man-of-war?—A. I do not.

46. Q. Was this before or after the cargo was taken out of the *Virginus* and part of it placed in the Venezuelan fort at Puerto Cabello?—A. It was after the cargo was taken out.

47. Q. Was it before or after the *Virginus* towed the Venezuelan war-steamer to sea and the schooners were captured?—A. Previous to the time they captured the schooners.

48. Q. Did you see, with your own eyes, the Venezuelan flag flying on the *Virginus* at the time of the capture of the schooners?—A. Yes, sir.

49. Q. On what part of the ship or on what mast was the Venezuelan flag flying?—A. Flying at the main; flying aft. She had no mainmast.

50. Q. At this time did you see the flag of the United States also flying?—A. No, sir; I did not.

51. Q. Was General Quesada on board the *Virginus* at the time the schooners were captured?—A. He was; I saw him.

52. Q. Where was he standing, if you remember?—A. He was standing on the port quarter-deck.

53. Q. Did you hear him express any words at the time; and, if so, can you say what they were?—A. I heard his voice, but I could not understand what he said, for he spoke in Spanish.

54. Q. Who did he appear to be addressing?—A. The captains of the schooners.

55. Q. The captain of one of the captured schooners?—A. Yes, sir.

56. Q. Who was in command of the *Virginus* at the time of this capture?—A. I believe Marguiz was captain.

57. Q. Had Captain Shepperd left her?—A. Yes, sir.

58. Q. But you have testified that Marguiz was the chief engineer?—A. Yes, sir.

59. Q. How was he captain?—A. Captain Shepperd was discharged, and then the chief engineer was made captain. He took command, or was made captain by the Cubans; by General Quesada.

60. Q. Was he competent to navigate the steamer?—A. That I can't say.

61. Q. Was there any other person on board, to your knowledge, who appeared to be sailing-master or navigator?—A. Yes, sir; one Cuban, by the name of Camacho.

62. Q. Is it not true that Marguiz was only a *paper captain*, and Camacho the real captain?—A. That I believe to be the fact.

63. Q. I refer now to the time of the capture of the schooners, and ask who was chief engineer at this time?—A. Marguiz was chief engineer then, and all the time that I was on the ship.

64. Q. At this time was Marguiz both captain and chief engineer?—A. Yes, sir.

65. Q. Who gave orders on deck at the time of the capture?—A. Well, I thought that Quesada had more to say than any one else; that the ship was under his control at that time altogether.

66. Q. Did you ever sign any other articles for the *Virginus* except those you signed in the port of New York, to which you have referred?—A. I never did.

67. Q. Did the schooners which you captured belong to the party of Guzman Blanco?—A. I understood they belonged to the opposite party.

68. Q. To which party did the Venezuelan steamer belong which you towed out to sea?—A. Guzman Blanco.

69. Q. What flag did this steamer fly when towed out and at the time of the capture of the schooners?—A. I can't describe the flag particularly, but I think she flew the flag of the party called the "Yellows." I understand that that party to which the schooners belonged was called the "Blues."

70. Q. Why did you leave the *Virginus*?—A. I considered it was not safe to stop on her any longer; after Captain Shepperd left the ship I could not say who controlled the ship. And there were outside parties on the ship that interfered with the men and discipline of the crew that I considered had no right to do it, and they done so.

71. Q. Who were those "outside parties"?—A. Quesada was the principal one.

72. Q. To what nationality did these "outside parties" belong?—A. Cuba.

73. Q. Did you ever report to any American consul that the *Virginus* had worn or carried a Venezuelan flag?—A. I did.

74. Q. To whom?—A. I believe his name was Faxon, in Curaçoa—the American consul.

75. Q. Who was with you, if any one, when you spoke to Consul Faxon about the flag?—A. Stephen Cox and Edward Luby.

76. Q. Where were you when the conversation took place?—A. In the American consul's office at Curaçoa.

77. Q. State, if you can, what took place at this time, in as nearly the words as you can now remember.—A. I asked the American consul on that occasion for to compel the engineer of the ship to discharge me; that I had asked my discharge off of the ship from the chief engineer, and he had denied it me. I refer to Chief Engineer Marguiz. Marguiz denied me. He told me that I could get my discharge and what wages was coming to me, but that I would get no three months' extra pay for being discharged in a foreign port, when he didn't discharge me, when I was leaving by my own free will; that I could not claim no three months' pay; and I thought differently to that, and I went and saw the American consul, and asked him for my discharge to him; and I likewise told the American consul that I considered that the ship had broken the laws of the United States, and that if I was captured by the Spaniards on her that I could not get no protection on that account from the United States Government; that the ship done enough to condemn her; that she was little better than a pirate, or words to that effect. And I stated to him what the ship did do; that she hoisted the Venezuelan flag on one occasion—took down the American flag and hoisted this other flag; that she assisted in capturing these schooners belonging to the Venezuelan party; that she had arms and ammunition aboard of her; that she had two brass guns mounted on her deck at one time; that she was going to run into Cuba, to run men and munitions there; and that I claimed my discharge on this account, and I wanted protection from him. He told me to go aboard the ship and stop there until I would hear from him, and that he would attend to it and give me every protection. I left his office then, and that same evening I was arrested and locked up that night by the police of Curaçoa, I understood, for making this complaint against the ship, and sent aboard the next morning, and was kept confined to the ship until the American consul came aboard and discharged me.

77½. Q. What did the consul say to you, if anything, when you told him what flags the *Virginus* had used and what business she had been in?—A. At the time that I told the American consul this he made no reply to me on that day, but in the course of some time after, after a week or so, he wrote a letter for to be read to the crew, and the engineer read this letter, and the consul stated in this letter, according as the engineer read it, that he considered, in looking over all these things that I charged the ship with, that she hadn't done anything that was wrong. That was it. And that this thing of her hoisting the Venezuelan flag, that it was represented to him that it was a mistake that was made by some of the crew, that hoisted it through a mistake, and that it was only up for a very short time, he said, and that as soon as they took notice of it they took it down. That was the way it was represented to him by the officers of the ship, and he considered it was not any serious matter; and he finally stated that he could not comply with my request to discharge us on these charges.

78. Q. Did you get your three months' extra pay?—A. Yes, sir.

79. Q. From whom?—A. Well, I can't tell you exactly now. I will tell you the circumstances how we did get it. It was paid, but we didn't get it all.

80. Q. Paid by whom?—A. Paid by the American consul, two months' pay; three months' given, but the consul takes one month's. And then out of our two months' he deducted our passage-money on a schooner from Curaçoa to Saint Thomas. That was \$13, I believe, each. And he sent this money of ours, this extra pay, he sent it by the captain of the schooner to the consul in Saint Thomas; and the consul in Saint Thomas—it was gold, and he changed it into silver, and there was something made out of that. That reduced it for us, and he paid \$20 apiece out of our money, though he admitted at the time that he should charge us nothing, though as the other consul did not act right he could do no better.

81. Q. For what did he pay \$20?—A. For our passage from Saint Thomas to New York on the *Merrimac*.

82. Q. Did you, or the crew, to your knowledge, make any representation in writing in respect to the *Virginus*?—A. I made no representation in writing, and I don't know of any of the crew that did. But I want to explain: he took a note of what I told him, and I made an affidavit to it, and the other two men that was with me done the same.

83. Q. Do you know what the consul did with this affidavit of yours?—A. I don't know, sir.

84. Q. How many of the crew or engineers or firemen of the *Virginus* were discharged at the same time with yourself?—A. All the firemen and coal-passers and one water-tender were discharged along with me.

85. Q. Why, if you know, did the consul come on board the *Virginus* at this time to discharge you?—A. Well, to examine all the crew with reference to these charges that I and the other two men made against the ship. He brought each one of the crew separately, and questioned them with regard to the ship, and the voyage, and everything relating to her.

86. Q. And after this examination, he discharged you and the other persons to whom you have referred?—A. Yes, sir.

87. Q. Then, I understand you to say that when you made the first representations to the consul, at his office, he told you he would attend to it, and that subsequently he came on board the *Virginus*, and that Marguiz read a statement to you, which he said was prepared by the consul, in which the consul refused to discharge you?—A. That is correct.

88. Q. How, then, and by whom were you discharged?—A. We were discharged by the chief engineer and the American consul both.

89. Q. Had not the chief engineer, previously to this, refused to discharge you?—A. Yes.

90. Q. Do you know where the *Virginus* got firemen and crew to take the places of those who left?—A. I don't know.

91. Q. At the time you were discharged was General Quesada on board the *Virginus*?—A. I believe he was not; at least I did not see him.

Being cross-examined by George Bliss, United States attorney, he says:

92. Q. How large a number of persons, independently of those you call passengers, were on board the *Virginus* when she left the port of New York?—A. I don't know the exact number; I should judge there was in or about thirty.

93. Q. Was there any mate?—A. There was a mate.

94. Q. What was his name?—A. That I disremember.

95. Q. More than one mate?—A. Second mate.

96. Q. Remember his name?—A. His name was Griffiths.

97. Q. Does that include the firemen and coal-passers that you have spoken of?—A. Yes, it includes all the ship's company.

98. Q. Did any of them except the captain leave before you did?—A. No, I believe they did not; not to my knowledge.

99. Q. Did any other persons, after the vessel left the port of New York, come aboard of her to remain, prior to the time of your leaving the vessel?—A. Yes, sir; General Quesada and a number of—

100. Q. I say after you left New York?—A. No; there did one come aboard.

101. Q. Who was he?—A. Varona.

102. Q. When did he come aboard?—A. I think it was in Puerto Cabello.

103. Q. Where did the captain leave?—A. Puerto Cabello.

104. Q. Did he leave before the landing of the guns in the fort there?—A. No, sir.

105. Q. He left after?—A. After.

106. Q. He left before the schooners were captured?—A. Yes.

107. Q. How many schooners in all were captured?—A. I don't know the exact number; I should judge there was five or six.

108. Q. You referred once to going to Puerto Cabello at a time when the crew wanted to leave. Was that the time that you have spoken of when you made the complaint to the consul?—A. No, sir.

109. Q. There was another time?—A. Another time after that when I went to the consul, at the time when a portion of the crew wanted to leave first; it was in Puerto Cabello.

110. Q. Just fix the date.—A. I can't say whether it was previous to carrying those Venezuela troops, whether it was before we took those troops on board, or after returning from the expedition.

111. Q. But it was before they captured the schooners?—A. Yes, sir. The sailors and the steward and the waiters, they left at that time.

112. Q. Then they did leave?—A. Yes, sir.

113. Q. Did they come back again?—A. No, sir.

114. Q. The sailors, the steward, and the waiters left?—A. Yes, sir.

115. Q. All of them?—A. All of them, I believe.

116. Q. Were their places supplied?—A. Yes, sir.

117. Q. By whom?—A. Well, by some sailor-men that was picked up there.

118. Q. What became of those men who left; do you know?—A. They remained for some time in Puerto Cabello, until the consul got a ship and sent them to the States.

119. Q. Why did they leave; do you know?—A. Well, they thought that the ship was going to run into Cuba, and they thought they would run too much risk. There was Spanish men-of-war watching us all the time, and they were afraid if they were captured they would be dealt with in a very severe manner.

120. Q. Who discharged them?—A. They went to the American consul and got their discharge through him from the captain of the ship.

121. Q. Who was the captain at that time?—A. I believe Shepperd was captain at the time.

122. Q. Where do you say it was that you saw this small boat with the Cuban flag?—A. In the harbor of Puerto Cabello.

123. Q. You said outside parties interfered with the discipline of the vessel?—A. Yes, sir.

124. Q. You described them as Cubans. Can you name any of them?—A. General Quesada.

125. Q. Any others?—A. No, I cannot name any other.
126. Q. How did you know they were Cubans?—A. Well, they admitted themselves to be such.
127. Q. Can you tell the date when you were discharged, about?—A. No, sir; I disremember.
128. Q. Can you tell the year, or the month, or anything?—A. I think it was in December, 1871.
129. Q. About how long were you aboard the Virginus, in all?—A. We was between two and three months, or ten weeks, I think.
130. Q. You think it was in December, 1871?—A. Yes, sir.
131. Q. Was it in 1870?—A. 1870; yes, sir.
132. Q. You spoke of being arrested by the police. Had you been doing anything?—A. No, sir. I had been doing nothing wrong that I know of.
133. Q. Had you been creating any disturbance?—A. No, sir; I was sitting down in the house with a company of two or three others that I knew, and we were playing a game of cards quietly.
134. Q. Who came and arrested you?—A. A police-officer.
135. Q. Then you were taken aboard. Were there any of the officers of the vessel along when you were taken aboard?—A. No, sir.
136. Q. Were you taken at once aboard the vessel?—A. No, sir; taken and locked up.
137. Q. And then taken aboard the next day?—A. Yes, sir; in the morning.
138. Q. You said after you made the complaint to the consul and he told you to go aboard and he would see to it, that at some time he came aboard and examined the crew one by one?—A. Yes, sir.
139. Q. Was that before the letter was read out from him, saying that he could not discharge you?—A. I ain't sure; it was in or about the time, close, and I cannot say whether it was before the letter was read to us or not. I do not remember now.
140. Q. Was the consul present when the letter was read?—A. No, sir; he wasn't aboard the ship at the time. The letter was read, I believe, previous to the time that the consul came aboard, but I ain't positive. As soon as he finished reading the letter, the Marquis told you that he would discharge you and give you your three months' pay?—A. Yes, sir.
141. Q. Did he give you any reason why he did it?—A. Yes; he said he didn't wish to have any man with him that was dissatisfied or didn't want to sail with him.
142. Q. When you left to go to Saint Thomas, where was the Virginus?—A. She was at Carasa.
143. Q. She had remained there, had she?—A. Yes, sir.
144. Q. How long was that after the discharge? How long after the discharge did you leave to go to St. Thomas?—A. Immediately after; the same day.
145. Q. What occupation are you now engaged in?—A. I work as a fireman, but I ain't working since I have been out in the Acapulco.
146. Q. What capacity were you in her?—A. Fireman.
147. Q. How long ago?—A. November 3.
148. Q. Of this month, this year?—A. Yes, sir.
149. Q. Where are you now residing?—A. I can't give you the number of the house, as it is only a few days ago that I went in it. What is the number of the Mohawk House?
150. Q. Is it the Mohawk House?—A. No; but it is the next house to it.
151. Q. On Greenwich street?—A. On Spring.
152. Q. What have you been doing since you left the Virginus?—A. I have made my living by working as a fireman all the time since; not as as a fireman all the time, but I have worked aboard a steamer in the fire-room all the time.
153. Q. What vessels have you been aboard?—A. I have been aboard the Rising Star, Ocean Queen, the Cortes. I have been aboard the steamboat City of Lawrence, and there are others that I can't call to mind.
154. Q. Have you been to Cuba since then?—A. No, sir.
155. Q. Been down in those regions at all?—A. I never was in any of them places, that is, Caraso or Puerto Cabello, since then.
156. Q. Have you been down in the Caribbean Sea?—A. I have been in Aspinwall.
157. Q. That is all, is it?—A. That is all.
158. Q. How came you to make this statement? How came you to be brought here?—A. Well, this gentleman here knowing that I was on the ship along with Mr. Greenwood, he told me that he had been down here.
159. Q. Who is this gentleman here?—A. Greenwood.
160. Q. Greenwood brought you here?—A. Yes, sir, he brought me here.
161. Q. Was Greenwood on board the Virginus with you?—A. He was.
162. Q. In what capacity?—A. First assistant engineer.
163. Q. Any inducement held out to you to make a statement?—A. No, sir; no more than that I would be recompensed for the loss of my time.
164. Q. You were promised to be recompensed?—A. Yes, sir, so that I should be at no loss.

165. Q. No amount fixed?—A. No, sir.

166. Q. How much time have you lost?—A. Up to the present; yesterday was the first day I came; I consider from yesterday.

167. Q. Only a couple of days?—A. That is all.

168. Q. How do you know what was in those boxes was ammunition, guns, &c.?—A. There was two brass howitzers, and there was one of the boxes broken, and I saw the rifles, and I saw cartridges and revolvers in another box. I saw shell and fixed ammunition.

169. Q. You spoke of Marquis as being a paper-captain, and Camancho as the real captain; why is that?—A. Because we considered that he was chief engineer, and I thought that he could not hold the two positions at the same time, and I thought that he was not qualified to be captain. I considered that he did not understand navigation, and I heard it rumored around the ship that this Camancho was the real captain. I saw him giving orders.

170. Q. You heard Camancho giving orders?—A. I did.

171. Q. What kind of orders?—A. Giving orders to the mate. And when we were working, discharging this freight out of the schooner into the steamer, he was present there, and he was giving orders to us and every one around that was working.

172. Q. You speak of one Varona as coming on board at Laguayra or Curaçoa?—A. Yes.

173. Q. And you also speak of Varona as coming aboard off the highlands from a tug. Those were two distinct persons?—A. Yes, I believe they were two distinct persons, and I suspected—

174. Q. No matter what you suspected. You said something about Marquis's birth. What did you say about where he was born?—A. I said I heard that he was born in Poland.

175. Q. From whom did you hear of it?—A. Well, I heard it amongst the crew—couldn't give the name of the party.

176. Q. You spoke of a Cuban flag as being on one of the small boats. What is a Cuban flag?—A. Well, I disremember now, but yellow was the principal color in it. There was yellow and blue, I think, and white. How the colors were arranged I can't tell you. I can't describe the Cuban flag.

177. Q. How did you know that the flag you saw in the boat was a Cuban flag?—A. Well, I heard everybody on board the ship say it was a Cuban flag.

178. Q. Had you ever seen a Cuban flag before?—A. No, sir; I had not.

179. Q. Have you ever seen one since?—A. No, sir.

180. Q. Can you describe what that flag was?—A. I cannot.

THOMAS GALLAGHER.

Subscribed and sworn to before me this 26th day of November, 1873.

JOSEPH GUTMAN, JR.,

United States Commissioner, Southern District of New York.

And now I, Joseph Gutman, jr., a duly-appointed commissioner of the United States circuit court for the southern district of New York, in attestation, do hereby certify that the foregoing questions and answers, after having been written out as above, were read to the foregoing witness, and were in my presence signed by him; and in attestation of the verity and solemnity of all of the foregoing, I do hereby attach my signature and seal of office this twenty-sixth day of November, in the year one thousand eight hundred and seventy-three.

[SEAL.]

JOSEPH GUTMAN, JR.,

United States Commissioner, Southern District of New York.

[Inclosure 11.]

Deposition of Ambrose Rawling.

UNITED STATES OF AMERICA,

Southern District of New York, ss:

To all to whom these presents shall come:

I, Joseph Gutman, jr., a commissioner of the United States circuit court for the southern district of New York, duly appointed and commissioned, and dwelling in the city of New York, send greeting:

Know ye, that on the twenty-fifth day of November, in the year of our Lord one thousand eight hundred and seventy-three, before me, at my office, No. 29 Nassau street, in the city of New York, appeared as a witness Ambrose Rawling, a mariner, formerly on board the steamship *Virginus*, produced by the consul-general of Spain

for the district of New York, in the United States of America, and that I was attended at the same time by Sidney Webster, esq., counselor at law in said city, representing the aforesaid consul-general of Spain, and by George Bliss, esq., attorney of the United States for the southern district of New York, attending by the direction of the Secretary of State of the United States; and that the aforesaid witness, having been first duly cautioned by me to declare the truth, the whole truth, and nothing but the truth, in respect to the matters concerning which he should be interrogated, and having then been duly sworn by me according to the laws of the United States, did, in answer to the interrogatories addressed to him in my presence, voluntarily, freely, and solemnly declare and depose in my presence as follows, that is to say:

1. Question. What is your age, occupation, place of birth, and citizenship?—Answer. Age, 29; occupation, steamship-fireman; born in England; am not a citizen of the United States.

2. Q. Were you a fireman on board the *Virginus* on her voyage from New York to Puerto Cabello in the latter part of 1870?—A. I was.

3. Q. Did you see a person on board the *Virginus* whom you understood to be General Quesada?—A. I did.

4. Q. Did you see General Quesada, while the *Virginus* was lying at Puerto Cabello, go off from the *Virginus* in one of her small boats?—A. I did.

5. Q. Were you one of the oarsmen at that time?—A. I was.

6. Q. What flag, if any, did the small boat carry at that time?—A. The Cuban flag; what I suppose to be the Cuban flag.

7. Q. Can you describe it?—A. As near as I can recollect, it was a single star in blue.

8. Q. A single star in blue ground?—A. Yes, sir.

9. Q. How many oarsmen were there at that time?—A. There were six of us.

10. Q. Can you give their names?—A. Well, George Miller was one, and Daniel Shea, and Luby, and myself. I don't recall the other two.

11. Q. Who beside General Quesada was in the boat as passenger, if anybody?—A. I believe his name was Verona. We used to call him Verona.

12. Q. To what place did you pull the boat at that time?—A. We pulled it round past the fort, and went, I suppose, about two miles after we got outside the fort, and landed the boat high and dry upon the beach. This was, I think, on an island.

13. Q. State what you saw General Quesada do after he got out of the boat.—A. Well, he went about, I suppose, two or three hundred yards from where the boat was upon the beach, and he had some conversation along with another man. I don't know who he was.

14. Q. Whom he met?—A. Yes, who he met on the beach.

15. Q. Did he meet more than one that you saw?—A. No; only one—one man. Then there were three or four there besides this man, whoever he was.

16. Q. Were they in any military uniform that you saw?—A. Well, no; had no military about them as I saw.

17. Q. How long was it before Quesada and Verona returned to the boat, if at all?—A. O, it was fully three-quarters of an hour.

18. Q. Did you then pull Quesada and Verona back to the *Virginus*?—A. We did.

19. Q. Was the Cuban flag flying on the small boat when you returned?—A. It was lying in the boat.

20. Q. It was not flying?—A. No.

21. Q. Were you on board the *Virginus* when her cargo was taken out and put in a fort at Puerto Cabello?—A. I was.

22. Q. Subsequently to this did the *Virginus* transport the Venezuelan troops along the coast to Barcelona?—A. She did.

23. Q. Was it after this that you rowed Quesada in the small boat?—A. No; it was previous to this, to the best of my recollection.

24. Q. Were you on board the *Virginus* when she towed the Venezuelan gunboat out to sea?—A. I was.

25. Q. Did you row Quesada in the small boat before you towed the gunboat out to sea?—A. I did.

26. Q. Were you on board the *Virginus* at the affair of the capture or surrender of the schooners?—A. I was.

27. Q. How many schooners do you think there were?—A. Well, to the best of my recollection, there were five, and one made her escape, I think.

28. Q. Do you know whether these schooners were armed—had a gun on board?—A. I couldn't say now whether they had or not. I believe they had, though.

29. Q. When the *Virginus* towed the Venezuelan gunboat out, and at the time of the capture of this Mosquito fleet, did the *Virginus* have any guns mounted on her deck?—A. To the best of my belief, she had two small pieces.

30. Q. Did you hear or see any guns fired at this time by the Venezuelan gunboat?—A. I did.

31. Q. How many?—A. One; one shot.

32. Q. At this time, what flag was flying on the *Virginus*?—A. The Venezuelan flag, sir.
33. Q. Were you on the deck of the *Virginus* at the time?—A. I was.
34. Q. Did you see the flag with your own eyes?—A. I did.
35. Q. Did you see the American flag hauled down?—A. I did.
36. Q. And the Venezuelan flag run up?—A. I did.
37. Q. Did you see General Quesada at that time?—A. Yes; I saw him on deck.
38. Q. Where was he standing?—A. On the poop-deck; on the quarter-deck aft.
39. Q. Did you hear him say anything or use any words?—A. No; I did not.
40. Q. How many of the schooners, if any, did the *Virginus* take in tow?—A. Well, to the best of my belief, there were five.
41. Q. The *Virginus* took five?—A. Yes.
42. Q. How many did the Venezuelan gunboat take in tow, if any?—A. She didn't take any, because she went toward St. Thomas.
43. Q. To what place did the *Virginus* take the schooners she had in tow?—A. The first place we made, after we got the schooners in tow, was Laguayra.
44. Q. And left them there?—A. Yes; and left them there.
45. Q. Where was the *Virginus* when you left her?—A. At Curaçoa.
46. Q. Were you discharged at the same time with Gallagher?—A. I was.
47. Q. Did you go to see the American consul at Curaçoa about your discharge?—A. Yes.
48. Q. Did you say anything to him?—A. No, sir.
49. Q. Did you hear anybody speak to him?—A. No, sir; I didn't hear what was passed between them.
50. Q. Where were you at the time of the conversation?—A. I was standing round with the rest of the crew.
51. Q. Where?—A. At the consul's office.
52. Q. Who went in and had the conversation with the consul, as you remember?—A. I almost forget now who it was, whether it was George Miller or not.
53. Q. Was it George Miller and Gallagher?—A. I don't know.
54. Q. Were you at any time put, or driven, on board the *Virginus* by the police, or by the authorities?—A. I was.
55. Q. Where?—A. In Puerto Cabello.
56. Q. Did you hear a statement read on the *Virginus* by Marquiz in respect to the discharge of the crew?—A. Yes, sir; I did.
57. Q. Why did you leave the *Virginus*?—A. Well, I thought, capturing these schooners and things out at sea, I didn't think it was safe for us to be aboard of her.

Cross-examined by Mr. Bliss:

58. Q. You spoke of that boat as having the Cuban flag; was it flying or lying in the bottom of the boat?—A. This Verona had it in his hand at the stern of the boat.
59. Q. (By Mr. Webster.) Was it flying when you went?—A. Yes, flying when we went.
60. Q. (By Mr. Bliss.) At that time did he have it in his hand?—A. Yes.
61. Q. (By Mr. Webster.) Flying you say?—A. Yes.
62. Q. (By Mr. Bliss.) Did he keep it flying all the time you were rowing to the island?—A. Yes; he had it in his hand all the time.
63. Q. Coming back, it was lying in the bottom of the boat?—A. Yes.
64. Q. You say you were arrested by the police?—A. Yes.
65. Q. What for; did they take you for a deserter?—A. No, sir; we was trying to claim our discharge; we got sick of the ship, but they drove us right aboard.

AMBROSE RAWLING.

Subscribed and sworn to before me this 26th day of November, 1873.

JOSEPH GUTMAN, JR.,

United States Commissioner, Southern District New York.

And now I, Joseph Gutman, jr., a duly-appointed commissioner of the United States circuit court for the southern district of New York, in attestation, do hereby certify that the foregoing questions and answers, after having been written out as above, were read to the foregoing witness, and were in my presence signed by him; and in attestation of the verity and solemnity of all of the foregoing, I do hereby attach my signature and seal of office this twenty-sixth day of November, in the year one thousand eight hundred and seventy-three.

[SEAL.]

JOSEPH GUTMAN, JR.,

United States Commissioner, Southern District New York.

[Inclosure 12.]

Deposition of John Furlong.

UNITED STATES OF AMERICA,
Southern District of New York, ss:

To all to whom these presents shall come :

I, Joseph Gutman, jr., a commissioner of the United States circuit court for the southern district of New York, duly appointed and commissioned, and dwelling in the city of New York, send greeting:

Know ye, that on the twenty-eighth day of November, in the year of our Lord one thousand eight hundred and seventy-three, before me, at my office, No. 29 Nassau street, in the city of New York, appeared as a witness John Furlong, a mariner, formerly on board the steamship *Virginus*, produced by the consul-general of Spain for the district of New York, in the United States of America, and that I was attended at the same time by Sidney Webster, esq., counselor at law in said city, representing the aforesaid consul-general of Spain, and by George Bliss, esq., attorney of the United States for the southern district of New York, attending by the direction of the Secretary of State of the United States; and that the aforesaid witness, having been first duly cautioned by me to declare the truth, the whole truth, and nothing but the truth, in respect to the matters concerning which he should be interrogated, and having then been duly sworn by me according to the laws of the United States, did, in answer to the interrogatories addressed to him in my presence, voluntarily, freely, and solemnly declare and depose in my presence as follows, that is to say:

1. Question. State your age, occupation, place of birth, and citizenship.—Answer. My age is 33 next April; I am a steamship-fireman; was born in Ireland; and am not a citizen of the United States.

2. Q. In October, 1870, did you ship at this port on board the *Virginus*?—A. Yes, sir.

3. Q. For what voyage did you ship?—A. Mobile, Cedar Keys, and Havana.

4. Q. Who told you that that was to be the voyage?—A. The chief engineer, Marquiz.

5. Q. Did you sign the shipping-articles?—A. I did, but the articles were not read to me.

6. Q. Where did you sign them?—A. On board the ship.

7. Q. Did you write your own name?—A. No, I made a mark. I cannot write my own name.

8. Q. The ship proceeded, did she not, directly to Curaçoa?—A. Yes, sir.

9. Q. Did you pull a small boat of the *Virginus* from the *Virginus* to a Venezuelan man-of-war, and was Quesada in it?—A. Yes, sir.

10. Q. What flags did this small boat carry on that occasion?—A. First the American flag, then the Cuban flag, and then a flag of truce.

11. Q. Who asked you to go in the small boat?—A. Mr. Marquiz, the chief engineer.

12. Q. At this time had Captain Shepperd left the *Virginus*?—A. Yes, sir.

13. Q. Who was captain at that time?—A. Mr. Marquiz acted as captain in port, and one of the Cubans acted captain outside.

14. Q. How many persons were in the small boat, and who were they?—A. General Quesada, Dr. Varona, and another man—I cannot tell his name—a Cuban, our second mate, and me, George Miller, Johnny McCormack, and Ed. Luby.

15. Q. Did the small boat on this occasion take Quesada to the beach, where he had a conference with a person?—A. Yes, sir.

16. Q. Were you on board the *Virginus* when a small fleet of schooners was captured?—A. Yes, sir.

17. Q. How many were there of these schooners?—A. Eight, sir.

18. Q. Had the *Virginus* any guns on her deck at the time?—A. Yes, sir.

19. Q. How many?—A. Two.

20. Q. Did you see them yourself?—A. Yes, sir.

21. Q. What flag did the *Virginus* fly at the time of this capture?—A. American flag, sir. After they took the schooners they put up the Cuban flag, and then pulled that down and put up the Venezuelan flag. They used the three flags in taking the schooners.

22. Q. Did you see Quesada on the *Virginus* at this time?—A. Yes, sir.

23. Q. Where were you standing?—A. Standing forward; he was standing upon the wheel-house.

24. Q. What did the *Virginus* do with the schooners, if anything, after their surrender?—A. Took them to Lagunayra.

25. Q. How many?—A. Seven; one broke loose and got into Curaçoa.

Cross-examined by Mr. Bliss:

26. Q. You say the Cuban flag was flown during that time?—A. Yes, sir.

27. Q. From what mast?—A. The flag-staff.

28. Q. How long?—A. About half or three-quarters of an hour at the furthest time.
29. Q. Was the American flag up at the same time?—A. No, sir; the American flag was pulled down and those put up.
30. Q. When was the Venezuelan flag flown, before the capture or after?—A. After.
31. Q. Do you know who put the flags up?—A. I don't; some Cubans.
32. Q. Who gave the orders?—A. Quesada.
33. Q. You are sure of that?—A. Yes, sir; I could not understand the language he used, but I judged from the motion of his hand in respect to putting up and taking down the flags.
34. Q. Do you know whom Quesada met when you went with him to the island?—A. No, sir. He met the commanders of the two Venezuelan men-of-war; those were the men he met.
35. Q. When did you leave the *Virginus*?—A. On the 11th November.
36. Q. Where did you leave her?—A. In Curaçoa.
37. Q. Anybody leave at the same time with you?—A. The whole crew of the firemen left together.
38. Q. Why did you leave?—A. Because we were not treated right; we had not the same living such as a crew ought to get.
39. Q. You were sent home by the American consul?—A. Yes, sir; but had to pay our own passage.
40. Q. How large was this Cuban flag that was flown on the *Virginus*?—A. O, as big as that desk.
41. Q. How large was the one flown on the small boat?—A. Not quite as big as the other one.
42. Q. What color was the Cuban flag?—A. A red, white, and blue flag.
43. Q. Red, white, and blue, arranged in stripes up and down or crossways?—A. Crossways.

his
JOHN + FURLONG.
mark.

Subscribed and sworn to before me this 29th day of November, 1873.

JOSEPH GUTMAN, JR.,
United States Commissioner, Southern District of New York.

And now I, Joseph Gutman, jr., a duly-appointed commissioner of the United States circuit court for the southern district of New York, in attestation, do hereby certify that the foregoing questions and answers, after having been written out as above, were read to the foregoing witnesses, and were in my presence signed by him, and in attestation of the verity and solemnity of all of the foregoing, I do hereby attach my signature and seal of office this twenty-ninth day of November, in the year one thousand eight hundred and seventy-three.

[SEAL.]

JOSEPH GUTMAN, JR.,
United States Commissioner, Southern District of New York.

[Inclosure 13.]

Deposition of Adolfo de Varona.

UNITED STATES OF AMERICA,
Southern District of New York, ss:

To all to whom these presents shall come:

I, Joseph Gutman, jr., a commissioner of the United States circuit court for the southern district of New York, duly appointed and commissioned, and dwelling in the city of New York, send greeting:

Know ye, that on the twenty-ninth day of November, in the year of our Lord one thousand eight hundred and seventy-three, before me, at my office, No. 29 Nassau street, in the city of New York, appeared as a witness Adolfo de Varona, formerly on board the steamship *Virginus*, produced by the consul-general of Spain for the district of New York, in the United States of America; and that I was attended at the same time by Sidney Webster, esq., counselor at law in said city, representing the aforesaid consul-general of Spain, and by George Bliss, esq., attorney of the United States for the southern district of New York, attending by direction of the Secretary of State; that the aforesaid witness having been first duly cautioned by me to declare the truth, the whole truth, and nothing but the truth, in respect to the matters concerning which he should be interrogated, and having then been duly sworn by me according to the laws

of the United States, did, in answer to the interrogatories addressed to him in my presence, voluntarily, freely, and solemnly declare and depose, in my presence, as follows, that is to say:

1. Question. What is your present place of residence and occupation?—Answer. Surgeon; 21 Clinton street, Brooklyn, State of New York.

2. Q. Are you connected with any public institution in Brooklyn; and, if so, in what capacity?—A. Surgeon to the Brooklyn Homeopathic Hospital; surgeon to the Brooklyn Maternity.

3. Q. Please state your age and country of birth.—A. I was born in Cuba, Puerto Principe, in 1840.

4. Q. Are you a naturalized citizen of the United States; and, if so, about what was the date of your naturalization?—A. I am a citizen of the United States, naturalized in January, 1872.

5. Q. When did you first come to the United States?—A. In May, 1847.

6. Q. Where did you study or graduate in your profession as a surgeon?—A. First, in Philadelphia; secondly, in Edinburgh, Scotland; thirdly, in Havana, Cuba.

7. Q. Were you in Puerto Principe when the Cuban revolt broke out at Yara?—A. I was.

8. Q. Did you sympathize or take part in that revolt; and, if so, in what way?—A. I was the founder of the Conspirator centers at Puerto Principe.

9. Q. Did you know Cespedes, the leader of the revolt?—A. I didn't know him personally at the beginning of the revolution, though I was in communication with him; met him afterward in the field, and then became firm friends.

10. Q. When did you enter into the military service of the revolt, and in what capacity?—A. Immediately on the rising at Yara; I was imprisoned by the Spanish government.

11. Q. This was about what date?—A. This was about the 10th or 12th of October, 1868. I was imprisoned by the Spanish government at Puerto Principe, where I was condemned to death, and pardoned by the first amnesty by Captain-General Dulce, and released on the 29th of November of the same year.

12. Q. Then you went where?—A. Then I went immediately to the insurgent army. I left Puerto Principe for the field.

13. Q. And joined it in what place?—A. Joined Manuel Quesada, who had then landed from Nassau. He had brought in a small expedition of arms and ammunition in a small sailing-vessel. Two or three thousand rifles he brought with him.

14. Q. Do you remember the place you joined him?—A. Yes, sir; joined him at La Gloria.

15. Q. Where is that?—A. About twelve miles from Principe.

16. Q. Toward the coast or in the interior?—A. No; toward the center; in the interior. Then I was made surgeon-general of the insurgent army.

17. Q. How long after this did you remain in this capacity?—A. Before the attack on Las Tumas I requested to be allowed to resign my medical commission, and take a more active part in the military operations. I was then made colonel of the artillery corps, and remained in that capacity until I quit the island with Quesada, which was about January, 1870.

18. Q. In what relation to Manuel Quesada did you leave the island?—A. We were appointed a foreign mission, of which he was the president and I the secretary.

19. Q. A foreign mission to what country?—A. To all foreign countries in general, but more particularly to the United States.

20. Q. Did you, as secretary, know the object of that mission, and by whom it was commissioned, if any one?—A. Commissioned by Cespedes, the executory of the revolutionary body, to purchase arms and ammunition of war, that they might be conveyed to Cuba.

21. Q. Were there any directions in respect to enlisting or procuring men?—A. We had the power to enlist men.

22. Q. In the United States?—A. In the United States or any other country.

23. Q. By what means did you come to the United States at that time?—A. We left the coast of Cuba in a small dug-out boat or canoe, crossed the Bahama Channel, and landed at Key Labos, an English island a few miles off the coast of Cuba. There we took an English fishing-schooner, which took us to Nassau, New Providence; there we chartered schooner which took us to Saint Augustine, Fla.; thence by rail we proceeded to New York.

24. Q. About what time did you arrive in New York City?—A. About February, 1870; the latter end of February or the first of March; about that time.

25. Q. At this time was not Marcellas Lemus in this country, sent by Cespedes?—A. He was.

26. Q. Do you know in what capacity he was here?—A. He was acting as minister plenipotentiary from the revolutionary government to the United States in case he might be admitted to act as such; in case a recognition by this Government gave him the power to act as such.

27. Q. As Lemus was here in a diplomatic capacity from Cespedes, what then were the precise duties of Quesada?—A. His duties were to carry out practically the work of purchasing arms and ammunition and conducting men to Cuba.

28. Q. He, then, was to control the material assistance to the revolution?—A. Yes, sir.

29. Q. Now, if you know, will you state what the Quesada mission did when it arrived in New York, first?—A. We interviewed the different bodies of Cubans that had been organized for the assistance of the revolution; tried to get from them the material means—that is, the necessary funds to buy these arms and ammunition.

30. Q. What bodies were in existence at that time, if you remember?—A. I remember the Cuban junta, I think then under the presidency of José Manuel Mestre, and subsequently under Miguel de Aldama.

31. Q. Previously to your leaving Cuba, had any expedition from the United States landed in Cuba?—A. To my certain knowledge the Perit expedition, under General Jordan, and the Salvador expedition, under Raphael Quesada, a brother of Manuel.

32. Q. Did you yourself see the expedition by Perit effect the landing?—A. I did, sir.

33. Q. About how many men were there, and under whose command?—A. I could not state certainly; possibly 200, under the command of General Thomas Jordan.

34. Q. Was General Jordan subsequently, to your knowledge, appointed by Cespedes to any command in the island of Cuba; and, if so, what command?—A. After the removal of Quesada from the command of the insurgent army Jordan was appointed in his place. And when Agramonte was appointed in his place, Jordan left the island and came to the United States.

35. Q. What, within your knowledge, was the first steamer purchased by the Cubans after your arrival here?—A. The Florida; by the seizure of which, I suppose, the Cubans lost between fifty and seventy thousand dollars.

36. Q. Do you know, of your own knowledge, of the purchase of the steamer *Virginus*?—A. I do.

37. Q. Were you one of the party which went on board the *Virginus* from the tug *Virginia Seymour*, and proceeded in her to Curaçoa?—A. I was.

38. Q. In what capacity on that voyage did you act in reference to General Manuel Quesada?—A. In the capacity of chief of staff.

39. Q. Did you leave the *Virginus* on the *Billy Butts* and proceed to Cuba?—A. I did.

40. Q. What happened to you in Cuba, and when did you again return to the United States?—A. The *Billy Butts* left me in Jamaica, and I left Jamaica in a small boat—a boat about two or three tons burden—which left me in the coast of Cuba. I then proceeded from the coast toward the interior in search of the insurgent forces, but met instead the Spanish outpost, and there I was shot through the right lung and left in the field for dead. I was picked up by Cubans, cared for, and returned to Jamaica, also in an open boat; thence to Saint Thomas; from Saint Thomas to New York, arriving about the 26th of December, 1870.

41. Q. With what object did you leave the *Billy Butts* on this expedition to Cuba?—A. To carry dispatches to President Cespedes. My dispatches were merely a letter of credit, and I was to state verbally that the affairs of Cuba in this country demanded that General Quesada should be appointed the sole agent of the republic in this country.

42. Q. Your object then was to procure from Cespedes the appointment of Manuel Quesada as sole director of the insurrectionary forces in the United States?—A. Yes.

43. Q. Do you know from what funds the steamer *Virginus* was bought and paid?—A. I do.

44. Q. Please state the character of the funds you procured, as nearly as you can, and the source of your information.—A. The funds were raised by personal subscriptions from Cubans, both rich and poor, in the United States, and placed with the treasurer of the foreign mission, Costello.

45. Q. Did they have a committee or chief managing party for the purchase?—A. Yes; I suppose there was a circle of three, who did all the purchasing of steamers and arms and attended to the outlay of funds.

46. Q. Who composed this committee?—A. I can only remember Martinez and Mora.

47. Q. Please give their full names, if you can.—A. Ramon Martinez and José Maria Mora.

48. Q. Do you remember to have met a person by the name of Patterson, who had to do with the *Virginus*, at the house of Mora, in the city of New York, in company with Quesada and Shepperd?—A. I remember the name, but I do not remember the person; I remember that he was there from the name, but I cannot picture him to myself. I do not remember the man at all.

49. Q. Was the steamer *Virginus* bought and paid for with these funds thus collected?—A. Yes, sir.

50. Q. How do you know that?—A. I, by being secretary of the mission, knew the details of all the transactions which were being made.

51. Q. Do you know what sum was paid for her out of the funds?—A. I do not know to a dollar, but it was in the neighborhood of \$15,000.

52. Q. Was this payment of this sum for the steamer out of the Cuban fund a matter of notoriety among the Cubans at that time?—A. It was known in the small circle of the foreign mission.

53. Q. Was the cargo of the Billy Butts paid for out of the same fund?—A. Yes, sir.

54. Q. Do you know of any arrangement or understanding by which Patterson was to be the nominal owner of the steamer?—A. I do. I knew that that was to be the case.

55. Q. Will you give as many as you can remember of the names of the persons who went on board the Virginus with you and General Quesada?—A. I remember the number was about twenty; I remember the names of General Ausmendi, Pablo, Yglesias, Eloy, Camachio, Dr. Bravo, Domingo Mora, (a son of José Maria Mora, of whom I have before spoken,) Lamadriz, (I do not remember his first name,) Francis S. Wilson. There were several others, whose names do not now occur to me.

56. Q. Do you remember an incident on the voyage in the Virginus from New York to Curaçao, when the sail was sighted, and the suggestion was made to Captain Shepperd to capture the vessel? If so, please state what it was, as nearly as you can.—A. Such an incident occurred, I believe, when off the coast of San Domingo. I do not exactly remember the particulars, but I remember that something of that kind did occur, as the sighting a vessel and speaking of trying to capture her. She turned out to be an English or American vessel; she was not a Spaniard.

57. Q. Had you any doubt on the voyage and afterward that General Quesada had a right to control the Virginus as owner?—A. No doubt whatever.

58. Q. Had it been your duty to examine into the matter carefully?—A. As I was convinced of the fact, I do not remember that I examined into it. I was convinced of the fact, and knew that we were prepared to prove it if necessary to assume all authority over the vessel; although I do not remember having made it a subject of special examination, I knew it to be the fact.

59. Q. Was this question of ownership in Quesada conceded in respect to controlling Captain Shepperd?—A. Yes, sir; and we made it known to him as soon as we sailed. We made known to Captain Shepperd that the vessel was really ours, and not Patterson's or any one's else. When I say "ours," I mean belonging to the mission.

60. Q. Who did you understand in New York had most to do with Patterson in procuring her?—A. José Maria Mora.

61. Q. At Curaçoa, did you have any conversation or interview with the American consul in respect to the Virginus?—A. We saw him and showed him the American papers, &c.

62. Q. Did you see him yourself?—A. I did.

63. Q. You mean that you showed him the American documents of the vessel?—A. Yes.

64. Q. Did you state or explain to the consul at the time the real ownership and business of the vessel?—A. I did not.

65. Q. Did any one?—A. I cannot say that any one did, although I took it for granted that he knew, as everybody knew in Curaçoa.

66. Q. Will you please state when you were first asked to give your testimony in respect to the ownership and history of the Virginus?—A. This morning.

67. Q. By whom?—A. By Mr. Craig.

68. Q. Has there been at any time any suggestion to you, or to any one in your behalf, in respect to any pecuniary compensation for this testimony?—A. No, sir; I am not considering that. I am rendering service. I am merely answering the service of a summons from the President of the United States. I am answering the truth.

69. Q. Will you be good enough to produce the summons handed to you by which you appear?

[Witness produced paper.]

Cross-examination by Mr. Bliss:

70. Q. Where did you finally leave the Virginus?—A. I left her near Curaçoa.

71. About when?—A. When I went on board of the Billy Butts, and have never seen her since.

72. Q. Since your arrival here in December, 1870, have you remained in the United States?—A. I have, sir.

73. Q. Have your official relations to the insurrectionary government ceased or continued?—A. Ceased completely from the moment I intended to become an American citizen.

74. Q. Just tell us when that was.—A. That was immediately on my arrival.

75. Q. In December?—A. Yes, sir; immediately I made up my mind to do so.

76. Q. When did you become an American citizen?—A. In January, 1872, or thereabouts.

77. Q. Did you terminate your relations by a resignation or anything of that na-

ture?—A. I terminated my relations by a letter to General Quesada to the effect that my relations with him had ceased.

78. Q. In what court were you naturalized?—A. In the city-hall of New York. The special name of the court I do not know.

79. Q. Did you go there more than once for that purpose?—A. I think I have been twice. The thing was all done in one session. I, having all the necessary proofs, complied with all the necessary preliminaries.

80. Q. Did you not file a declaration of intention to become a citizen?—A. I do not remember; really, I do not remember about that.

81. Q. Why did you leave the service of the insurrectionary government?—A. Because I did not agree with the manner in which the insurrection was being carried out.

82. Q. Did the mission of which Quesada was minister and you secretary have written directions or powers from Cespedes?—A. It did.

83. Q. Did those specify that you were to purchase a vessel and arms?—A. They did.

84. Q. And enlist men?—A. I don't precisely remember that, but I think they did. I think the enlisting of men was included. Yes, the enlisting of men.

85. Q. You spoke of interviewing various Cuban organizations, or organizations friendly to the Cubans; you named only what we should call "junta"?—A. Yes.

86. Q. Can you name any other?—A. There were several other independent bodies, the names of which I do not remember.

87. Q. Composed of Cubans or Americans?—A. Composed of Cubans only, I think.

88. Q. Do you know, of your own knowledge, of the landing of the Salvador expedition?—A. I do.

89. Q. What did she carry, men or arms, or both?—A. Both.

90. Q. How many men?—A. I do not remember the number.

91. Q. Did you succeed in your mission of communicating with Cespedes when you landed in Cuba after leaving the Billy Butts?—A. I did not; but here I wish to state that whatever is not my own secret, whatever relates to confidences placed in me, I will not tell, but only those things of which I am at liberty to speak.

92. Q. Was Quesada, in point of fact, appointed sole representative of the insurgents in the United States?—A. I hear that he has been recently, but have no personal knowledge of the fact.

93. Q. You state, then, as of your own knowledge, that the *Virginus* was bought by funds raised by Cubans, and that she was placed nominally in the name of Patterson as owner, when in fact the Cubans owned and controlled her?—A. I knew it from the fact that these transactions were going on in my presence, and were subject of conversation of those with whom I associated.

94. Q. In what you did in connection with the mission and upon the *Virginus* and subsequent, were you under pay or a volunteer?—A. According to the constitution of the revolutionary government all officers were under pay, but that was merely nominal, we never having received a penny, neither did I ever intend to receive a penny.

95. Q. Were your personal expenses paid from any source other than your own funds?—A. They were paid from the funds of the mission.

96. Q. Where did those funds come from?—A. They were collected in the same manner as the others. It was all one common case—common treasury.

97. Q. Did you ever talk with Patterson or hear talked in his presence the subject of the putting of the *Virginus* nominally in his name?—A. I do not remember the personality of Patterson. I can only say that I remember the name and know that a person by his name was present when these things were being talked of.

98. Q. Was the amount of money paid by the Cubans for the *Virginus* ever spoken of in your presence; and, if so, what amount was named?—A. I remember it being \$15,000 or thereabouts.

99. Q. Did you understand that that amount was paid to Patterson or to some other person?—A. That amount was paid by this Patterson to the former owners of the *Virginus*.

100. Q. Did you ever see in connection with the *Virginus* an I. K. Roberts?—A. I also remember the name, and think he and Patterson were on board the tug-boat which took us to the *Virginus*, and that they returned to New York in said tug-boat.

101. Q. From what port did the tug-boat start?—A. Started from the North River.

102. Q. On this side or the other?—A. This side.

103. Q. What time in the day did you start?—A. The early part of the afternoon.

104. Q. What time in the day did you board the *Virginus*?—A. Late in the afternoon.

105. Q. Who first handed to you this paper? [Handing witness the summons.]—A. Mr. Craig.

106. Q. When and where?—A. In his office, on arriving.

107. Q. To-day?—A. To-day.

108. Q. How did it happen that you came to his office?—A. I made an appointment with him to come this morning to his house, when he first spoke to me of this affair.

109. Q. When did you make the appointment?—A. Early this morning, nine o'clock, he telling me that this was to be handed to me.

110. Q. You consider that you are under obligations to testify in response to that paper?—A. I do, as an American citizen.

111. Q. You mean moral or legal obligation?—A. I think both.

112. Q. You consider that the service of the paper imposes upon you any obligation which would not have existed had it not been served?—A. I consider that the presentation of this paper shows me that the President of the United States demands of me as a citizen to answer the truth to the questions put to me; had it not been handed to me I would not have known that such answers were demanded of me.

113. Q. Without it would you have testified?—A. I would not.

ADOLFO DE VARONA.

Subscribed and sworn to before me this 1st day of December, 1873.

[SEAL.]

JOSEPH GUTMAN, JR.,

United States Commissioner, Southern District of New York.

And now I, Joseph Gutman, jr., a duly-appointed commissioner of the United States circuit court for the southern district of New York, in attestation do hereby certify that the foregoing questions and answers, after having been written out as above, were read to the foregoing witness, and were in my presence signed by him, and in attestation of the verity and solemnity of all of the foregoing I do hereby attach my signature and seal of office this first day of December, in the year one thousand eight hundred and seventy-three.

[SEAL.]

JOSEPH GUTMAN, JR.,

United States Commissioner, Southern District of New York.

No. 714.

Mr. Fish to Admiral Polo de Bernabé.

DEPARTMENT OF STATE,

Washington, December 22, 1873.

The undersigned, Secretary of State, has the honor to acknowledge the receipt of the note of Admiral Polo, envoy extraordinary and minister plenipotentiary from Spain, of the 10th instant, in which various documents were transmitted in order to establish that the steamer *Virinius* had no right, at the time of her capture, to carry the flag of the United States.

The documents inclosed in the note of Admiral Polo have been carefully examined with a view to determine the duty of the United States toward Spain under the agreement recorded in the protocol of the conference between Admiral Polo and the undersigned on the 29th ultimo.

The undersigned is now directed by the President to say that the documents thus transmitted by Admiral Polo make it appear to the satisfaction of the United States that the *Virinius* was not entitled to carry the flag of the United States, and was carrying it at the time of her capture without right and improperly, and that orders have been given to the naval authorities of the United States to notify the Spanish authorities of Santiago de Cuba that the salute to the flag of the United States is to be spontaneously dispensed with by the United States.

The undersigned has the honor further to inform Admiral Polo that, it having been made to appear to the satisfaction of the United States that the *Virinius* did not rightfully carry the American flag, and was not entitled to American papers, the United States will, in accordance with the undertakings set forth in said protocol, institute inquiry and

adopt legal proceedings against the *Virginus*, if it be found that she has violated any law of the United States, and against the persons who may appear to have been guilty of illegal acts in connection therewith, so soon as the vessel or such persons may arrive within the territorial jurisdiction of the United States.

The conclusion thus arrived at makes it unnecessary to comment upon the many parts of the note of Admiral Polo of the 10th instant to which the undersigned would be obliged to record his dissent.

The undersigned takes this occasion to renew to Admiral Polo the assurances of his very high consideration.

HAMILTON FISH.

No. 715.

Admiral Polo de Bernabé to Mr. Fish.

[Translation.]

LEGATION OF SPAIN,

Washington, January 3, 1874.

The undersigned, envoy extraordinary and minister plenipotentiary of Spain, while having the honor to acknowledge the receipt of the note of the honorable Secretary of State of the United States, of the 22d of December last, in which it is declared that the *Virginus* at the time of her capture had no right to carry the American flag, and did carry it wrongfully and improperly, must express to the Secretary of State the satisfaction with which the government of the Spanish Republic has been informed of this declaration, and that this result, which was confidently expected, practically demonstrates that there was no offense to the American flag, and that no intention to insult it ever could or ever did exist.

The undersigned avails himself of this opportunity to reiterate to the Hon. Hamilton Fish the assurance of his highest consideration.

JOSÉ POLO DE BERNABÉ.

III.—CONSULAR CORRESPONDENCE.

No. 716.

Mr. Hall to Mr. Fish.

[Telegram.]

HAVANA, Nov. 5, 1873. (Received Nov. 5—5.20 p. m.)

An official bulletin announces the capture of the steamer *Virginus*, October 31, toward the coast of Jamaica; it further states that a competent tribunal is trying the prisoners, whom it styles pirates.

HALL.

No. 717.

Mr. Fish to Mr. Hall.

[Telegram.]

DEPARTMENT OF STATE,

Washington, November 7, 1873.

The capture, on the high seas, of a vessel bearing the American flag presents a very grave question. It is reported that a person claiming to be an American citizen has been summarily tried and shot. Obtain full particulars as to capture and treatment of persons captured, and report.

FISH.

No. 718.

Mr. Hall to Mr. Davis.

No. 294.]

UNITED STATES CONSULATE-GENERAL,

Havana, November 5, 1873. (Received November 11.)

SIR: I have time only to transmit herewith by this steamer the inclosed official bulletin, just published, announcing the capture of the steamer *Virginus*, on the 31st October, ultimo, near the coast of Jamaica, and that a competent tribunal is now trying the prisoners, one hundred and sixty-five in number, whom it styles pirates.

I have just transmitted the Department the substance of the foregoing in a telegram, it appearing to me that the vessel must have been captured, if not in British at least in neutral waters, and that important international questions may arise therefrom.

I am, &c.,

HENRY C. HALL,
Vice-Consul-General.

[Inclosure.]

[Gazette extra. Havana, November 5, 1873.]

According to a telegram received from the general commanding the first division the steamer *Tornado* got sight of the steamer *Virginus* at half past 2 o'clock in the afternoon of the 31st of October last, and came up with her at 10 o'clock at night, near the coast of Jamaica. The following persons, who were on board of her, were taken prisoners: Bembeta, a brother of Cespedes, a son of Quesada, Jesus del Sol, and others, making a total of one hundred and sixty-five persons, some of them being prominent characters. In their flight they threw the horses overboard, and used a portion of their cargo as fuel for the steamer's furnaces.

The proper tribunal is trying the piratical prisoners.

The above is published by order of his excellency for general information.

PEDRO DE ZEA,
Brigadier-General of E. M.

No. 719.

Mr. Hall to Mr. Davis.

No. 295.]

UNITED STATES CONSULATE-GENERAL,

Havana, November 5, 1873. (Received November 12.)

SIR: Referring to my No. 294, of this date, informing the Department of the capture of steamer *Virginus* on the 31st ultimo, toward (as stated) the coast of Jamaica, by a Spanish vessel of war, the capture also of one hundred and sixty-five persons who were found on board, and their being under trial as pirates at Santiago de Cuba, I now trans-

mit a copy of a communication which I have addressed to the captain-general of this island, respecting the case of the *Virginus*, and of such citizens of the United States as may be found among the prisoners, claiming for them the rights, privileges, and considerations to which they are entitled by the treaty of 1795, and that no sentence of death shall be executed upon such citizens until the facts have been brought to the knowledge of the governments of Spain and of the United States. The communication referred to I considered necessary on account of the intense excitement prevailing here, the statement that the prisoners were being tried as pirates by a competent tribunal, and the universal clamor of the peninsular population for vengeance, urged on by such papers as the "*Voz de Cuba*."

The locality of the *Virginus* when captured has not been made public. That she was not in Cuban waters or within Spanish maritime jurisdiction is clearly evident, having been overtaken after a chase of eight hours toward the coast of Jamaica.

Telegraphic communication with Santiago de Cuba being interrupted, I have written to the vice-consul in charge there to ascertain and inform me, as soon as possible, whether the vessel was captured in neutral or British waters, and other particulars of the affair.

I am, &c.,

HENRY C. HALL,
Vice-Consul-General.

[Inclosure 1 in No. 295.]

UNITED STATES CONSULATE-GENERAL,
Havana, November 5, 1873.

EXCELLENCY: An official bulletin published in a *Gaceta extraordinaria* of this date, as therein reported by order of your excellency, announces the capture of the steamer *Virginus* on the 31st ultimo, toward the coast of Jamaica, together with some one hundred and sixty-five persons on board, who are, as may be inferred from the same report, prisoners at Santiago de Cuba, and are now being tried, as pirates, by a competent tribunal.

It is not my purpose or desire to enter into any discussion in regard to the nationality of the vessel, or in regard to the intentions of the persons who were found on board; but I do respectfully call the attention of your excellency to the fact that the said steamer was not captured within the waters of Cuba, or its maritime jurisdiction, and being further persuaded that, among the persons who have thus been captured, there are some who are citizens of the United States, I hereby claim for them all the rights, privileges, and considerations to which they are entitled under the stipulations of the treaty of 1795 between Spain and the United States, and that no sentence of death shall be carried into execution until an opportunity has been had of bringing all the facts of the case to the knowledge of the government of Spain as well as that of the United States.

I have the honor to assure your excellency of my high consideration and respect.

HENRY C. HALL,
Acting Consul-General of the United States.

His Excellency the SUPERIOR POLITICAL GOVERNOR
and Captain-General of the Island of Cuba, &c.

[Inclosure 2 in No. 295.]

From the "Diario" extra of November 5, 1873.

HURRAH FOR SPAIN.

The commandant-general of marine has just communicated to us the following very important dispatch, dated Santiago de Cuba, November 1:

"The following persons were found on board of the *Virginus* and taken prisoners:

Bembeta, a brother of Cespedes, a son of Quesada, Jesus del Sol, together with others making 165 in all, some of them being very prominent persons. The names of some of them are unknown. In their flight they threw their horses and a part of their cargo overboard, and used hams and quantities of other provisions as fuel. The Tornado got sight of them at half past 2 o'clock in the afternoon, and overtook them at 10 o'clock at night, near the coast of Jamaica.

"The competent tribunal is trying the piratical prisoners."

This news, we do not doubt, will fill all loyal hearts with joy, for the Virginus is the first piratical vessel that has been taken by our brave tars. The filibusters have been taken to Santiago de Cuba, where they are being tried.

More severe penalties are provided for the crime of piracy than for any other by the laws of all civilized nations. We suppose that among the prisoners must be Santa Rosa, Ryan, the American, and others mentioned in the letters of our New York correspondent, who is known to the readers of the "Diario." Any intelligence that we may receive in relation to this important event will be published by us without delay. It now only remains for us to add that the Tornado is commanded by Captain Dionisio Costilla.

We have neither time nor space now to enter into considerations concerning the capture of the Virginus, to which vessel we have so often referred in our columns; but we neither can nor will close this article without warmly congratulating the Spanish navy, and especially the brave crew of the Tornado, his excellency Captain-General Jovellar, who commences his career on this island with so great success, as a nucleus of future days of complete victory, and the loyal men of Cuba, who will exclaim with us, filled with the most holy enthusiasm, Hurrah for the Spanish navy! Hurrah for the integrity of our country's territory!

We have just received a "Gaceta" extra, in which is published the second dispatch. It is pretty much the same as the one which our readers have just read above. It reads thus:

"According to a telegram received from the general commanding the first division, the steamer Tornado got sight of the steamer Virginus at half past 2 o'clock in the afternoon of October 31, and came up with her at 10 o'clock at night, near the coast of Jamaica. The following individuals were found on board of her and taken prisoners: Bembeta, a brother of Cespedes, Jesus del Sol, a son of Quesada, and others, making a total of 165, some of them being persons of importance. They threw their horses overboard in their flight, and used a portion of their cargo as fuel.

"The competent tribunal is trying the piratical prisoners.

"The foregoing is published for general information, by order of his excellency the brigadier chief of E. M., Pedro de Zea."

GENERAL NEWS.

A committee of the Spanish Club of Havana called to-day at 12 o'clock m. to congratulate his excellency the governor captain-general on his safe arrival, and to compliment him on his taking charge of his office, stating to him, at the same time, that they considered as a most happy augury the circumstance that his arrival on these shores had occurred at the same time with the capture of the filibustering steamer Virginus.

The same committee then congratulated his excellency the commandant-general of this naval station, and with him the navy at large, on the very important service just rendered by it to our country.

On receiving the intelligence of the capture of the Virginus, the inhabitants of Muralla and Mercaderes streets hung out festoons and similar emblems of rejoicing, as is done on national holidays.

[From the "Voz de Cuba" extra, November 5, 1873.]

MOST IMPORTANT CAPTURE.—The command of his excellency General Jovellar in this island is inaugurated under the most brilliant auspices. The national steamer Tornado has captured the famous filibuster steamer Virginus, on board of which were the following rebel leaders: Jesus del Sol, Bembeta, a brother of Cespedes, a son of Quesada, and 160 other persons, among whom it seems that there were other leaders.

The valuable cargo of the Virginus has likewise fallen into the hands of the brave

tars of the Tornado. This consisted of material and munitions of war, and was all secured, with the exception of a few boxes of arms, which the pirates threw overboard before they were captured.

The Tornado took her valuable prize to Santiago de Cuba, and there, as we learn, the traitors were being tried by the marine court.

We have been unable to obtain a copy of the official telegram, and are consequently in possession of no further particulars.

We hope that the sword of the law will fall without delay upon these infamous wretches, who deserve no consideration. They have already abused Spanish clemency to excess, and have laughed at it; it is now time for them to feel Spanish justice.

We congratulate our most worthy captain-general with all our hearts on this most happy inauguration of his government in this island, and we confidently hope that it is a sure augury of the conclusion of the war under his glorious command. From the time when the first news of his appointment reached us, great were the hopes entertained by the good Spaniards of this island, in view of his well-known patriotism, his clear judgment, and his bravery, and it appears that divine Providence is announcing to us the realization of these hopes by the happy event which now occupies our attention.

On arriving here we received some details which our readers will read with interest.

This important capture is mainly due to the prudent measures adopted by his excellency the general of marine. Being aware of the movements of the *Virginus*, he accurately calculated at what point she would land, and sent the Tornado to watch that coast; this vessel, of all those belonging to the national navy that are now in Cuban waters, was the one best suited to the performance of the service in question, by reason of her great speed. In order to effect this, as we have heard, he had to make a great effort to prevent General Pieltain from insisting upon sending the Tornado to Jamaica, as he had ordered. The result has proved the correctness of the calculations of his excellency the general of marine, and we tender him our most heartfelt congratulations.

It seems that the chase lasted for eight hours without interruption, during which the *Virginus*, in order to feed the fires of her furnaces, and to keep up the steam at the highest pressure, burned everything that could produce this result, including the hams which she carried among her provisions.

We again most warmly congratulate their excellencies, General Jouvellar y Rigada, Don Dionisio Costillo, the gallant commander of the Tornado, and all the brave men under his command, on account of the glorious day that they have given to our beloved Spain; we congratulate, moreover, all the loyal Spaniards of this island, on which the brilliant light now begins to shine of that much-wished-for day of peace and happiness for which we have all hoped so long.

[Telegram.]

Since the foregoing lines were written, we have received a copy of the "*Gaceta*" extra, which is as follows:

"HAVANA, November 5, 1873.

"According to a telegram received from the commandant-general of the first division, the steamer Tornado got sight of the steamer *Virginus* on the 31st ult., at half past two o'clock in the afternoon, and overhauled her, at ten o'clock at night, near the coast of Jamaica. The following persons were taken prisoners: Bembeta, a brother of Cespedes, a son of Quesada, Jesus de Sol, and others, one hundred and sixty-five in all, some of them being prominent characters. They threw their horses overboard in their flight, and used a part of the cargo as fuel for the fires of their furnaces.

"The competent court is now engaged in trying the piratical prisoners.

"The above is published for general information, by order of his excellency.

"The Brigadier Chief of E. M.,

"PEDRO DE ZEA."

As this supplement was going to press, we received the following telegram from Santa Clara, which we hasten to publish. The enthusiasm at the capital is indescribable, and will be so at every point of the island where loyal hearts beat:

"SANTA CLARA, November 5, 1873.

"To the Editor of the '*Voz de Cuba*:'

"The Spaniards of this city, without distinction, congratulate through you the captors of the pirates.

"ABDON HERNANDEZ.

"JOSE CALICHE."

We have suspended the printing of this supplement for a few moments on account of having received a call from several enthusiastic Spaniards, who, desiring to manifest the gratitude of the loyal to the gallant commander of the Tornado and the brave men under his command, have opened a subscription for the purpose of giving them evidence of this gratitude by a testimonial which will perpetuate both the remembrance of the very important service which they have rendered to the cause of Spain and the high estimation in which this service is held by the loyal men of Cuba.

The following is the list handed in by them:

Subscription for the purpose of presenting a testimonial to the commander, officers, and crew of the national steamer Tornado, for the capture of the filibustering steamer Virginus.

Antonio C. Telleria	\$10
Antonio Barreras	10
Manuel Maria Carreras	10
Bartolomé Ortole	10
Felix Mazario	10
Justo Nuñez Villavicencio	10
Andres Perez	5
Juan Bolet	10
Francisco Requeijo	10
Nicholas Giralt	10
Manuel Lage	10
Bernardo Valdés	2
José Pila	5
Pascual Goicoechea	10
Luis A. Suarez	10
Anselmo F. Saavedra	10
José Acena	10
To the above subscriptions the editor of the Voz de Cuba adds	50

As we were putting this supplement to press we received from the gentlemen whose names are given below the following sums:

Sr. D. Juan A. Colomé	\$100
Sr. D. José de Olano	100
Sr. D. José Suarez Argadin	100

The subscription-list still remains open at the office of the Voz de Cuba.

No. 720.

Mr. Hall to Mr. Davis.

No. 297.]

UNITED STATES CONSULATE-GENERAL,
Havana, November 7, 1873. (Received November 13.)

SIR: Referring to dispatches Nos. 294 and 295 of 5th instant, relative to the capture of the steamer Virginus by the Spanish man-of-war Tornado, I now inclose further particulars, taken from the daily journals.

The accounts differ as to her proximity, at the time, to the coast of Jamaica. That given by the "Voz de Cuba" states that the capture was effected more than twelve miles from said coast. Other published accounts give the distance, at the time, as eight and twenty miles, while the "Diario de la Marina," as if foreseeing the gravity of the question, asserts that the chase of the Virginus was commenced in Spanish waters, and the capture effected on the high seas at twenty-three miles from the coast of Jamaica and about sixty from Cuba.

I inclose the substance of a communication received from the United States vice-consul at Santiago de Cuba, which appears to corroborate another opinion, that the Virginus, when captured, was in British waters. It is also stated by the Spanish accounts that the vessel had no

papers or clearance, but the consul at Santiago de Cuba supposes that the steamer was regularly cleared for Colon, (Aspinwall,) and had all her papers in order.

The Tornado with the Virginius arrived at Santiago de Cuba on the evening of the 1st instant, and next day at 9 o'clock a court-martial was convened, which appears to have finished its labors at 4 o'clock of the same day, and the sentences of the court transmitted in sealed covers to the captain-general and commandant-general of marine. On the morning of the 4th, and before the news of the capture had reached here, the following were shot: Bernabé Varona, (a,) Bembeta, O. Ryan, Pedro Cespedes, and Jesus del Sol.

There has been no direct telegraphic communication with Santiago de Cuba since 14th ultimo, consequently we must await further and fuller information by mail, the time occupied being usually four days.

I beg to call the attention of the Department to the fact that the consul at Santiago de Cuba desired to communicate by the cable with Kingston, Jamaica, and was not permitted by the authorities to do so.

I am, &c.,

HENRY C. HALL,
Vice-Consul-General.

[Inclosure 1 in No. 297.]

From the "Diario," extra, of the 7th instant.

[Extract.]

THE CAPTURE OF THE VIRGINIUS.

* * * * *

The capture of the Virginius, the pursuit of which was commenced in Spanish waters, was effected on the high seas, twenty-three miles from the coast of Jamaica, and about sixty from that of Cuba.

[Translation.]

"VOZ DE CUBA,"
Havana, November 7, 1873.

Some details in regard to the capture of the Virginius:

By the steamer Cienfuegos, arrived last evening at Batabano, we have received, by the special messenger of the Voz de Cuba, the following particulars in regard to the capture of the filibustering steamer Virginius. This steamer arrived at Santiago de Cuba at 5 o'clock p. m. of the 1st instant, escorted by the national steamer Tornado and the merchant steamer Cantabro.

The Virginius was captured at 10 o'clock of the previous night, more than twelve miles from the coast of Jamaica. On the night of her arrival great enthusiasm prevailed in the town, and up to a late hour of the night the filibustering steamer was surrounded by a great number of boats, filled with persons attracted by curiosity, and some with music on board.

The Virginius had no papers nor clearance of any kind, and on being captured she raised the American flag, after making great efforts to escape from the Tornado.

Among the arms found on board are carbines of 18 shots.

At 9 o'clock of the next morning, 2d instant, the court-martial met on board the Tornado to try the pirates. It closed at 4 p. m. The sentences have been sent by the Cienfuegos, in sealed packages, directed to the captain-general and commandant-general of marine. Immediately after the closing of the court-martial all the pirates, with the exception of Bembeta, Jesus del Sol, and two others, were conducted to the public prison.

Just punishment.

According to a telegram received this moment, 8.30 p. m., Thursday, 6th instant, by his excellency the captain-general, on the morning of the 4th instant, Tuesday, the filibustering chiefs Bernabé Varona, alias Bembeta; Ryan; Pedro Cespedes, styled a brigadier, and Jesus del Sol were shot in Santiago de Cuba.

* * * * *

[Inclosure 2 in No. 297.]

HAVANA, 7, 1873.

Substance of a communication received from the United States consulate at Santiago de Cuba, dated November 2, 1873:

On the evening of the 1st instant, at 5 o'clock, the Spanish war-steamer Tornado entered this port convoying the steamer Virginus as a prize, which was captured at sea with 165 Cubans and foreigners, among them Colonel Ryan, Varona, (alias Bem-beta,) Jesus del Sol, Ramon Cespedes, a brother of the President, Carlos Manuel de Cespedes, one of his sons, a brother of Quesada, and several other chiefs.

The reports first received regarding this capture state that the Tornado was under full sail and but little steam when she sighted the Virginus, but all steam possible was made, and the Tornado headed at full speed for the Virginus. This vessel, finding she was pursued, turned to starboard to run away, and commenced to throw overboard a great many boxes to assist her flight, but was overhauled and surrendered without firing a shot.

This morning, better informed, I learn that on the 30th the governor received a telegram from the Spanish consul at Kingston, to the effect that the Virginus was near Morrant Bay, Jamaica. His excellency had an interview with the commander of the Tornado, which had arrived that morning, and which, in consequence, sailed four hours after.

On the 31st October the Virginus was discovered by the Tornado at 2 o'clock p. m., and captured at 10 p. m., four gun-shots and a shell having been fired at her from the Tornado. As soon as the Virginus stopped she hoisted the flag of the United States. The officers sent on board at 10 o'clock at night had the American colors taken down and the Spanish flag hoisted, although the papers and dispatch of the Virginus, in due form, for Colon, were presented to him. Before midnight all the operation of transferring prize-crew, &c., was effected, and the two vessels sailed for Santiago de Cuba, arriving the next day at half past 5 p. m., after eighteen hours of steam sailing, which tends to prove the rumor that the commander of the Tornado had stated, in conversation, that an hour later the Virginus would have saved herself, because she could have entered some port of Jamaica, and leads to the suspicion that the steamer may have been captured in the waters and on the coast of Jamaica, with her papers in order, and duly dispatched for Colon.

It is also rumored that no arms or baggage were found on board, as everything had been thrown overboard, an operation that could not be seen from the Tornado, as it took place at night. It is also rumored that Governor Burriel applied to the marine to have all the prisoners delivered over to him, with the exception of the captain and crew of the Virginus, who are to be sent to Havana at the disposal of the general of marine; and further, that he declared that within twenty-four hours afterward the prisoners delivered to him would be tried and executed here to avoid all complication with the exterior, that is, foreign interference.

In order to be fully informed on this subject, I sent this (Sunday) morning, at 9 o'clock, a telegram to the United States consul at Kingston, thus: "Steamer Virginus captured and brought here. What is her nationality, if cleared under American papers?" But my telegram was objected to and detained by Governor Burriel. I then addressed communications to his excellency, and to the agent of the cable, Robert Mason, esq., copies of which I inclose. I have as yet received no reply from Governor Burriel.

As I have not as yet received any communication from the authorities regarding the captain, crew, or the American citizens there may be on board, I shall feel much obliged if you will inform me how to act in this case.

Great excitement prevails throughout the city, and parties, music, and receptions abound.

Doubting that you may not receive the original, on account of the way they are trying to manage this affair, I send you a duplicate of my letter through the kindness of the French consul.

I am, sir, &c.,

E. G. SCHMITT,
Vice-Consul,

Copies referred to in the foregoing:

U. S. CONSULATE, SANTIAGO DE CUBA,
November 2, 1873.

SIR: It becomes my duty to report to you that this morning, at 9 o'clock precisely, I addressed a telegram to consul of the United States of America, Kingston, Jamaica, which, being detained since half an hour by his excellency the governor of this department, Don Juan N. Burriel, and having asked the cause at the said office, have been

told in reply that the governor declined that it should be sent through by the submarine cable.

Will you be kind enough to inform me if it is understood between the Spanish government and the cable company that the government here has the right to detain or send official dispatches at their pleasure?

I have the honor to be, sir, your most obedient servant,

E. G. SCHMITT,
Vice-Consul.

ROBERT MASON, Esq.,
Acting Agent of the Submarine Cable, Santiago de Cuba.

CUBA SUBMARINE CABLE COMPANY,
Saint Jago de Cuba, November 2, 1873.

SIR: I have had the honor to receive your official dispatch of this day's date, informing me that you had this morning sent to this office a telegram directed to the United States consul at Jamaica, which had been detained by order of his excellency the governor, and inquiring whether his excellency has the right to detain official dispatches at his pleasure.

In reply I beg to inform you that, according to the concession to the company, the government has an absolute right of censure, and of impeding and preventing the sending of such messages as it objects to.

While regretting, then, the delay suffered by your message, I can in no way avoid the same or accept any responsibility therefor, and must consider the question at issue as between your Government and that of Spain, and entirely separate from the responsibilities of the company.

I have the honor to be your most obedient and humble servant,

ROBERT MASON,
Acting Agent.

E. G. SCHMITT, Esq.,
United States Vice-Consul, Santiago de Cuba.

[Inclosure in No. 297.]

HAVANA, November 7, 1873.

List of persons captured in the steamer *Virginius*; crew not included:

Bernabé Varona (a) Bembeta.
Pedro Cespedes.
Arturo Mola.
José Díaz.
Francisco de Porras.
Juan Marrero.
José Madéo.
Raimundo Pardo.
Francisco Gonzalez.
José Pelaez.
Leonardo Alvarez.
Julio Arango.
José Hernandez.
Nicolas Ramirez.
Ignacio Quintin Beltran.
Perfecto Bello.
Benito Glodes.
Lewis Sanchez.
Nicolas Ruiz.
Juan Alvarado.
José Boite.
Ricardo Turjillo.
Ramon Calvo.
Augustin Varona.
Silverio Salas.
Domingo Salazar.
Pedro Pajain.
Manuel Padron.
Alejandro Cruz Estrada.

Alfredo Lopez.
José Ignacio Lamar.
Andrés Villa.
Andrés Acosta.
Francisco Castillo.
Benjamin Olazara.
Salvador Penedo.
Enrique Castellanos.
Rafael Pacheco.
Alejandro Calvó.
Canuto Guerra.
Jesus del Sol.
Camilo Sanz.
Leon Bernal.
Emilio Garcia.
Gil Montero.
Rafael Cabrera.
Amador Rosello.
Ignacio W. Tapia.
Manuel A. Silverio.
Santiago Rivera.
Antonio Gomez.
Andrés Echevarria.
Luis Martinez.
José Maren.
Pedro Sariol.
Pedro Saez.
Miguel Saya.
Severo Mendive.

Felix Fernandez.
 Juan Soto.
 Manuel Perez.
 José Otero.
 José Antonio Ramos.
 Ramon Barrios.
 Ignacio Valdés.
 José Santisteban.
 Felix Morejon.
 Francisco Pacheco.
 Evaristo Sungunegui.
 Ramon Gonzalez.
 Antonio Chacon.
 Francisco Rivero.
 Sireno Otaró.
 Carlos Pacheco.
 Antonio Padilla.
 Enrique Canals.
 Indalecio Trujillo.
 Domingo Diaz.
 Carlos Gonzalez.
 Ozcar Varona.
 Justo Consuegra.

Patricio Martinez.
 Enrique Ayala.
 Manuel Saumel.
 Domingo Rodriguez.
 Luis Rebollo.
 Arturo Rivero
 Carlos Manin.
 William S. Valls.
 Ramon R. D. Armas.
 Manuel Menenses.
 Joseph A. Smith.
 General Ryan.
 Philips Abecaler.
 William Curtis.
 Samuel Hall.
 S. Gray.
 Sidney Robertson.
 George Winters.
 William Marshall.
 Evan Pento.
 George Burke.
 Leopoldo Rizo.

[Translation.]

As is easy to perceive, neither Santa Rosa nor Quesada figures in this list, which leads us to suppose that there are in it many fictitious names of persons of more importance.

Neither are the names of the crew included. The list comprises names only of the passengers who came to swell the ranks of the insurrection.

From the "Voz de Cuba," (extra.)

HAVANA, November 7, 1873.

No. 721.

Mr. Hall to Mr. Fish.

[Telegram.]

HAVANA, November 8, 1873. (Received at 12.30 p. m.)

Ryan and three Cubans, styled chiefs, shot on fourth, before news of capture reached here. No other executions reported. Claimed rights and considerations under treaty for our citizens, and that no death-sentence be enforced without knowledge of both governments. Telegraph interrupted with St. Jago de Cuba. Some details already sent; others go to-day and will follow.

HALL.

No 722.

Mr. Hall to Mr. Davis.

No. 298.]

UNITED STATES CONSULATE-GENERAL,
 Havana, November 8, 1873. (Received Nov. 13.)

SIR: Referring to my No. 295, of 5th instant, transmitting a copy of a communication which I considered it my duty to address to the captain-general, claiming for such of our citizens as might be found on board

the *Virginus* the rights and considerations to which they are entitled by treaty stipulations, I have now to transmit his excellency's reply, in which it is intimated that the matter is one which does not concern me; that the representatives of the United States in Madrid, and of Spain in Washington, will see that the stipulations of the treaty of 1795 are respected, and that the good relations existing between the two countries will facilitate the solution of any doubt which may arise in this affair.

His excellency does not seem to be aware that the peculiar relations of Cuba with the United States make it indispensable that their consular officer at Havana, in the absence of any diplomatic agent, should have the right of addressing him on other subjects than those of a purely commercial nature.

I have, &c.,

HENRY C. HALL,
Vice-Consul-General.

[Inclosure.—Translation.]

SUPERIOR POLITICAL GOVERNMENT,
SECRETARY'S OFFICE, POLITICAL BUREAU,
Havana, November 7, 1873.

It is a vessel of the Spanish marine which has captured the *Virginus*, and the persons who came on board of the same are subjected to being tried by a competent tribunal.

As soon as the capture of said vessel was brought to my knowledge I telegraphed to the supreme government of the nation, near which the United States have a worthy representative, who, being also acquainted with what has occurred with the *Virginus*, will see, as in like manner will the representative of Spain in Washington, that the stipulations of the treaty of 1795 are respected.

The good relations which happily exist between the United States and Spain will facilitate the solution of any doubt which may arise in this affair.

JOAQUIN JOVELLAR.

The CONSUL OF THE UNITED STATES *in this capital.*

No. 723.

Mr. Hall to Mr. Davis.

No. 302.]

UNITED STATES CONSULATE-GENERAL,
Havana, November 12, 1873. (Received Nov. 18.)

SIR: Referring to my No. 294 and No. 295 of 5th instant, 297 of 7th, 298 and 301 of 8th instant, relating to the capture of the *Virginus* by a Spanish vessel of war, off the coast of Jamaica, I now transmit herewith copies of correspondence received from Santiago de Cuba, to which I respectfully call the Department's attention.

From the statement made by the governor of Santiago de Cuba, in his reply to Mr. Schmitt, the vice-consul, it appears that Ryan did not allege his American citizenship. The consul at Kingston, Jamaica, informs Mr. Schmitt that the *Virginus* was under the flag of the United States, and was regularly cleared at that port for Colon, (Aspinwall.)

Late last evening the news was published of another massacre. It appears that on the 7th and 8th instant the captain and thirty-six of the crew of the *Virginus* and sixteen others were shot.

It must be charitably supposed that these executions took place before orders (if any have been sent) from here could reach Santiago de Cuba for their suspension.

I further inclose an extra "Voz de Cuba," published last evening, containing the statement above alluded to, and respectfully call the Department's attention to the files of "Diario de la Marina," and "Voz de Cuba," transmitted to day, of which I have not time to take extracts or make translations.

I am, &c.,

HENRY C. HALL,
Vice-Consul-General.

[Inclosure 1 in No. 302.]

Mr. Schmitt to Mr. Hall.

UNITED STATES CONSULATE,
Santiago de Cuba, November 8, 1873.

SIR: I addressed you yesterday, and forwarded through the kindness of the French consul the copies of several documents, originals of which I forwarded by mail. I do the same with this present communication, and forward duplicate of a dispatch I sent the commandant-general this morning. You will please excuse this action, as there is so much mystery in this affair, of trials under martial law, and military tribunals in session night and day, that none can tell what may happen to ordinary correspondence.

I now have to inform you, after my mail of yesterday afternoon some one hundred and odd persons of those captured passed from on board of the steamers *Virginus* and *Tornado* in front of my residence on their way to the jail, fastened together by fours. Last night a court-martial was convened at the jail for the purpose of trying Varona a Bembeta. This morning the trial of a number of others, chosen by lot, is still going on.

Early this morning Governor Burriel sent for Ramon Cespedes, the President's brother, and had a secret interview of an hour with him, result not known; but, as I am privately informed, it was to find out whether he could manage the presentation of his brother, the President, and arrange matters without compromising himself, and that he replied that he could with his brother.

Five of the prisoners, namely, Quesada, Jesus del Sol, Ryan, and Harris, were presented to the Spanish officers appointed for their trial and interrogatory. It is rumored that they will be executed immediately, under the responsibility of the commanding general, Burriel, who takes it upon himself until further orders come from the new captain-general, probably for the rest, as certain preparations at the jail look as if the execution might come off to-night or to-morrow at daybreak.

No reply to my communication of yesterday to the general had reached me up to 9 o'clock this morning. I have, therefore, sent another dispatch to the same authority, as per copy inclosed, which may serve you to transmit to the Department of State. As events follow each other so rapidly, I have no time to write to the Hon. Secretary of State.

As you will perceive, I have not been admitted to the jail nor on board, although I have been several times to see about it, but have not as yet (3 p. m.) received any permit to do so, nor any answer whatever from his excellency. Pity that an American war-ship is not here to sustain my claim, and the cable telegraph uninterrupted, that I might inform you of what is going on, although, perhaps, the brigadier would not allow my telegrams to pass; and the cable-agent says he cannot do any better than he stated in answer to my communication to him on the subject, and, consequently, you will yourself be unable to inform me here what you may obtain from the captain-general in regard to this case and in favor of some of these unfortunates. Such proceedings on the part of brigadier-commandante, General Burriel, of not answering official dispatches, ought to be reported to the captain-general.

In case I do not receive a satisfactory reply from his excellency, I shall have to protest against all informalities, and of his excellency, and against the trial of the American citizens detained and imprisoned, for not having been permitted to see them at and during their examination.

I have, &c.,

E. G. SCHMITT,
Vice-Consul.

[Inclosure 2 in No. 302.]

*Mr. Schmitt to General Burriel.*UNITED STATES CONSULATE,
Santiago de Cuba, November 3, 1873.

SIR: I would most respectfully inform your excellency that it has come to my knowledge that the steamer *Virginus*, which was brought into this port at half-past 5 o'clock p. m. on the 1st instant, convoyed by the Spanish war-steamer *Tornado*, as a vessel captured on the high seas, having on board a great many passengers, besides the captain and crew, was cleared from Kingston, Jamaica, and, as I understood that the said steamer sailed under the American colors, I therefore, as the representative of the United States Government at this city and port of Santiago de Cuba, went yesterday morning at 9 o'clock precisely to the office of the Submarine Cable Telegraph Company to transmit a telegram to the United States consul at Kingston, Jamaica, asking the nationality of the steamer *Virginus*, and if cleared under American papers; which telegram was objected to and detained by your excellency, as I had the honor to communicate to your excellency by my letter of yesterday, 2d instant, of which I am surprised at receiving no reply relative to the subject, which under such pressing circumstances would be of great value to the numerous American citizens concerned, and which answer I am anxiously awaiting.

I would also beg your excellency, (having not received any communication from any of the Spanish authorities, and particularly from your excellency, of the event,) considering that I ought to have been notified, and also permitted to call on the American citizens detained at the jail in this city, as well as the captain and crew of the aforesaid steamer, to allow that I be admitted to the jail and on board of the vessels where the latter are detained as prisoners, to enable me to fulfill my duties as consul-representative of the United States Government.

I have, &c.,

E. G. SCHMITT,
Vice-Consul.

[Inclosure 3 in No. 302.]

*Mr. Schmitt to General Burriel.*UNITED STATES CONSULATE,
Santiago de Cuba, November 3, 1873.

SIR: I would most respectfully inform your excellency that until this hour, half-past 6 p. m., November 3, I have not had the honor to receive any reply from your excellency to my official communications of 2d instant and of this morning, referring to a telegram directed to the United States consul at Kingston, Jamaica, detained by your excellency and not forwarded, and also to not having received any communication from any of the Spanish authorities, and particularly from your excellency, of the affair of the steamer *Virginus*, which was, according to the last reports published in the newspapers and publicly known, in the neighboring island of Jamaica, as a national American steamer, under the flag of the United States of America, with all her papers and clearance legally authenticated and sealed with the arms of the said United States; and to my request to be permitted to call and communicate with the American citizens, captain, crew, and passengers of the aforesaid steamer, either in jail or on board of the vessels in port, having to fulfill my consular duties as the representative of the American Government, and according to the treaty between Spain and the United States of the year 1795.

And as I have not been in any way or manner attended to by your excellency, in consideration of my reiterated requests in this matter, and not having admitted any of them, neither knowing what has been done as to the rights of the American citizens, as well as those of the captain, crew, and vessel, in accordance to the aforesaid treaty between Spain and the United States, article seventh, I must respectfully protest, your excellency, against the authorities and the Spanish government, as I, in the name and as representative of the United States, do solemnly protest against the Spanish government, and all and every person or persons, for their performances, irregularities, trials, and condemnations that may occur to any and every American citizen or citizens concerned, detained, and imprisoned, for all damages, prejudices, whether personal or otherwise, which may happen to any or every one of the American citizens who were on board of the American steamer *Virginus*, as well as to all interests or value of the aforesaid steamer which may be claimed by her owners, or whomsoever interested; all of which shall be transmitted to the consul-general at Havana and to the Department of State at Washington.

I am, &c.,

E. G. SCHMITT,
Vice-Consul.

[Inclosure 4 in No. 302.—Translation.]

General Burriel to Mr. Schmitt.

[SEAL.]

POLITICAL GOVERNMENT OF THE
Eastern Department of the Island of Cuba.

I have received your communications, one dated the 2d instant and the remaining two others the 3d instant; the first inquiring if it was true that a telegram had been detained by my orders which you had addressed to the United States consul in Kingston, Jamaica, asking information as to the nationality of the steamer *Virginus*, seized on the high seas as a pirate by the Spanish war-steamer *Tornado*. In my desire to correspond duly to the exquisite zeal which you show in this matter I would have replied at once to your communication, but as I received it precisely at the moment of important and peremptory affairs, to which I had to devote myself exclusively; further, the past two days were holidays, upon which the officials do not come to the offices, being engaged, as well as every one else, in the meditation of the divine mysteries of All Saints and the commemoration of All Souls days, as prescribed by our holy religion; consequently, it was impossible for me, until early this morning, to comply with your wishes, as well as my own, to answer your communications.

Upon doing so, I have to inform you that, although I regretted to do so, I gave the order to the chief of the telegraph station, to which you refer, to detain your telegram, acting thus by virtue of the powers granted me by the regulations, according to which this service is performed on this island and approved by government.

Regarding the first of the two communications which I received yesterday from your consulate, in which you are pleased to state your surprise at not having received an answer to that of the previous day, and especially for not having been called to the jail, nor notified of the capture of the pirate vessel, which, as you have heard, was sailing under American colors, and the interests of numerous American citizens therein concerned, you undoubtedly referring to the so-called passengers of the *Virginus*, I have to state in reply, that you ought not to have been surprised at not receiving my answer as much on account of the short period of time between one and the other communication as for the circumstances which prevented my doing so, as I have already stated.

And as to being surprised at not having been notified, I regret on that account the concern which you show, as although in effect the *Virginus* sailed under American colors, (a phrase not very intelligible for me, supposing you mean to say that she sailed under cover of the flag of the nation you represent, as, in this sense, there are as many American colors as there are nations in both continents of the New World, and even in some of the islands,) you will permit me to say in reply that I could not, for my part, decide upon the act of notification you desired. In the first place, every one knows, for the fact was public and notorious, in Europe as well as in America, that the steamer *Virginus*, destined by its successive and numerous owners to aid the insurrection in this island, bringing to it, secretly and piratically, arms, munitions of war, and men, was accustomed to sail under all colors, making use of the national distinctions of different nations, even those of Russia, China, or Japan, according as their wicked, piratical plans might require, although more often covering themselves with the respectable flag of the United States, inferring thereby, in my opinion and in that of honorable men of all civilized countries, a grave insult to the noble nation you represent, and whose liberality has been so abused by the said vessel. Besides, as the vessel and her crew are now held to the action of a court, the only competent authority to judge of the convenience, justice, and necessity of giving information to a foreign consulate concerning their proceedings, my authority was and is not sufficient to decide on the convenience and necessity of doing as you requested.

Neither could I foresee your desire to repair with such haste to the jail where the prisoners were incarcerated, much less that you desired to do so, showing an officiousness so marked, when you had received from none of them any remonstrance whatever, which they would have made at once, through my conduct, if their conscience had permitted them to even suppose that they were innocent and worthy of the protection of your vice-consulate, undoubtedly impelled thereto on this occasion for unknown and suspicious purposes.

These purposes I may suppose were only those of coming to the defense of your countrymen, if they were unjustly molested, or their lives or property in danger, and such noble and honorable intentions would exalt your conduct; but, as upon the occasion to which you refer in your communications, nor upon any other, has there been any reasonable motive of complaint or of alarm to be entertained by any foreign subject, principally North American, who has observed the respect due to Spanish laws, to the tranquillity of the country, and to the preservation of the public peace, conditions which every man of honor should comply with in order to live in a foreign country, you will permit me to state, also, that although in the crew and among those whom you call passengers by the *Virginus* there may be one or more American citizens, the mere fact of being found in company of the most conspicuous chiefs of the

insurrection which desolates this island, would be sufficient, if it were not known that some of them, erroneously supposed to be of the former, were comprised among the latter named, would be sufficient for them to lose, in conformity to international law, all kind of protection whatever from the countries from which they came, because these countries, if they insist upon defending criminals of this class, will incur in the responsibility, at least moral, which the law is in duty bound to exact of them.

Furthermore, you may address to whomsoever you please all the protests you deem necessary, as you state and do in your third communication, as I am satisfied on my side that the same are and will be unfounded for the fact to which you refer in your three communications. And so unfounded are they, that Mr. O'Ryan, for whom you came in person to speak with me and obtain permission to witness the will he desired to make as a North American citizen, as you stated and incorrectly assured me, has himself confessed he was a British subject and born in Canada.

Such conduct, especially after you were advised by the fiscal that Mr. O'Ryan was an Englishman, obliges me to apply to the government, and propose that your exequatur to perform the duties of your vice-consulate may be withdrawn, as an officer who addresses protests so slightly founded, and who, after that, attempts to surprise the intention of the Spanish authorities, accustomed to act with the rectitude and loyalty known by all, cannot help compromising the honor of the country he represents and being the cause of vexatious questions between friendly nations which should mutually respect each other.

God preserve you many years.

CUBA, 4th November, 1873.

JUAN N. BURRIEL.

No. 724.

Mr. Hall to Mr. Fish.

[Telegram.]

HAVANA, November 13, 1873.

The consul at Santiago did everything possible to save lives and secure the rights of our citizens under treaty. His right of protest was ignored. * * * * *

Before news of capture reached here, first four were shot. Before instructions to the consul could reach Santiago de Cuba, those reported yesterday were also shot. Evidently it was determined to carry out the massacre before instructions could reach there from Spain to spare life.

HALL.

No. 725.

Mr. Hall to Mr. Davis.

No. 304.]

UNITED STATES CONSULATE-GENERAL,
Havana, November 14, 1873. (Received Nov. 21.)

SIR: I have to acknowledge the receipt, yesterday evening, of the following telegram:

WASHINGTON, November 13.

Repeat from "those reported" to end, in telegram to-day.

FISH.

To which I replied this morning as follows:

HAVANA, November 14.

Substitute the following: "Before instruction to the consul could reach Santiago de Cuba, those reported yesterday were also shot. Evidently it was determined to carry out the massacre before instructions could reach there from Spain to spare life."

I also transmitted to-day the following telegram to the Department, giving the substance of a communication received yesterday evening from the captain-general, (copy and translation of which I inclose :)

HAVANA, November 14.

The superior political governor, replying to my communication asking for confirmation or denial respecting the execution of captain and crew of Virginus, refers to his communication of 7th instant, and says, substantially, that the facts are transmitted to the government of Spain, near which the United States has a representative, from whom you will receive, without doubt, all the information asked for in my communication.

HALL.

The communication above referred to is in reply to mine of 13th instant, a copy of which accompanied my No. 303 of 12th instant, and I beg to call the Department's attention thereto, as going to confirm much that I stated in said dispatch No. 303.

I am, &c.,

HENRY C. HALL,
Vice-Consul-General.

[Inclosure.—Translation.]

[SEAL.]

SUPERIOR POLITICAL GOVERNMENT,
SECRETARY'S OFFICE, BUREAU OF POLITICAL AFFAIRS.

I have received your dispatch dated to-day, informing me that you had telegraphic instructions from the Secretary of State of the United States, asking confirmation of the news referring to the steamer Virginus and to its crew.

You are already informed of the contents of the dispatch which, referring to this subject, I addressed you on the 17th instant. Rest, therefore, completely assured that everything relating to this subject, and whatever may result from the proceedings instituted before the tribunals of justice, I duly transmit to the government of this nation, near which that of the United States has its duly accredited representative, and through whose authorized medium it will undoubtedly receive all data whatever referring to your last attentive communication, considering the cordial and friendly relations which exist between both countries.

JOAQUIN JOVELLAR.

HAVANA, November 12, 1873.

The CONSUL-GENERAL OF THE UNITED STATES in this city, &c., &c.

NOTE.—The foregoing communication, although dated the 12th November, 1873, was not received until the evening of the 13th November, 1873.

HENRY C. HALL.

No. 726.

Mr. Hall to Mr. Davis.

No. 305.]

UNITED STATES CONSULATE-GENERAL,
Havana, November 14, 1873. (Received Nov. 21.)

SIR : Referring to my No. 302, of 12th instant, and the copies of the correspondence therein contained, passed between the vice-consul of the United States at Santiago de Cuba and the commandant-general of that district, relative to the case of the Virginus, I now transmit the continuation of the same correspondence, and respectfully call the Department's attention thereto as clearly showing that Mr. Schmitt, the vice-consul, fulfilled his duty in the premises as far as was in his power.

I am, &c.,

HENRY C. HALL,
Vice-Consul-General.

[Inclosure 1 in No. 305.]

*Mr. Schmitt to General Burriel.*UNITED STATES CONSULATE,
Santiago de Cuba, November 5, 1873.

SIR: I have had the honor to receive your excellency's communication of yesterday's date, the contents of which fill me with surprise and profound regret that my previous dispatches to your excellency and motives which caused them should have been so misconstrued by your excellency as to lead even to personal imputations upon my character.

In this country, as in every other, even the greatest of criminals have lawyers assigned to their defense, without, in the event of their condemnation, the reputation of such lawyers suffering therefrom; and I, who represent a foreign country here, have an absolute duty, when I hear that any of the citizens of that country are in any trouble, to succor the same where practicable, defend them if their case admits of defense, and in the last extremity afford them all alleviation or consolation as lies in my power, and a right to do so without identifying myself with the citizens in question and their actions or opinions, or exposing myself to the suspicions and insinuations of your excellency.

Your excellency's communication barring me from all interference on behalf of my fellow-citizens, I must beg your excellency will, at all events, allow me to proffer a few remarks in my own defense.

I should have been the last person to disturb the important duties of your excellency, and the religious meditations which your excellency's subordinates were indulging in, had it not been that I considered the case a pressing one, and imagined that where there was sufficient time to censure and detain my telegram, there might have been also time for a few lines of explanation, with the additional motive of my second dispatch, that I observed that the circumstances which your excellency enumerates were no hinderance to the dispatch of other business connected with the steamer.

Due to a misconception, though not a maltranslation, my meaning with regard to colors has not been correctly conveyed to your excellency. I used the word in its acceptance of flag, and not with reference to the different distinctive shades which form the national emblems of countries.

I shall, therefore, abstain from saying anything further on this point, than that it seems to me, considering that the *Virginus* was flying the United States flag at the time of her capture, that she claimed to be a United States merchant-steamer, and her papers as such were surrendered by her captain to the boarding officer from the steamer *Tornado*, it would have been a delicate attention on the part of your excellency to have informed me thereof, and that the use of such flag and papers was an abuse on the goodness of the country which I represent, in order that I might have brought the same to the notice of my Government, and have been spared the necessity of telegraphing to Jamaica, and the disagreeableness to which said telegram has given rise.

As regards the protest I directed to your excellency, my duty to cover my responsibility in case of a reclamation was so manifest—and a protest is not subsequently authorized by such reclamation—so entirely inoffensive, that I cannot for a moment suppose your excellency can take exception to my action in this matter.

With regard to my interview with your excellency, when I asked permission to see O'Ryan, and when your excellency's treatment of me in your excellency's own residence was not what I should have expected from the amiability and hospitality of your excellency, as your excellency's remarks contain a personal imputation on my character, accusing me of an intention to take your excellency by surprise and obtain an undue advantage by dishonorable means, I can only deny most emphatically even having harbored such intentions or attempted to put them into execution.

Finally, I note your excellency's intention to apply for the revocation of my exequatur, and while ignorant of any cause given by me therefor, I can only assure your excellency that, my conscience being perfectly clear in the question, and having acted honorably and as I considered for the best, the result of your excellency's application is to me a matter of profound indifference.

I have, &c.,

E. G. SCHMITT.

[Inclosure 2 in No. 305.—Translation.]

*General Burriel to Mr. Schmitt.*POLITICAL GOVERNMENT OF THE EASTERN DEPARTMENT
OF THE ISLAND OF CUBA,
November 7, 1873.

I have received your communication of the 5th instant, in reply to that from this government of the previous day, relative to those you had already addressed me regarding

the capture of the pirate vessel *Virginus*. I am sorry at having caused you the profound regret you mention in consequence of my reply, or the interpretation which you say was given to your communications, for which no fault can be imputed to me, as I did but my duty, just as you purposed to do yours, in the matter. The interpretation given to your dispatches could be no other, as, officially and in writing and investing the act with a solemnity which could not be allowed to it, you addressed yourself to this government, making inquiries to which you could have verbally been answered, had you pleased to call on me in person, because the matter was very plain, and in my opinion did not deserve the honor of a dispatch, unless you did so purposely, endeavoring to give it more importance than it really had. After your first communication, making the inquiry to which I refer, you addressed me two others on the same day, exacting explanations regarding affairs the gravity of which could not but impose upon me the most prudent reserve; and as you were desirous of obtaining with unnecessary haste a reply which could not then be given, you became alarmed, entirely without reason, and protested against my conduct, against the action of the courts who had charge of the matter to which you refer, and this without possibly knowing or being informed what was such action. As I am always disposed to receive at my office any person claiming the aid of the authorities, especially the consul and vice-consuls resident in this city, you will understand that the means of which you endeavor to avail yourself were not the most suitable to induce belief in the sincerity of your acts; for if you had called upon me and verbally set forth your doubts and apprehensions, I would have been pleased to attend to your wishes within the limits of prudence and convenience which my office and the present circumstances impose upon me.

Far from having put any impediment to the defense of your citizens residing in this city and in all this department, in nowise have I prevented you from doing so, limiting myself in my communications to express the surprise which your persistent officiousness caused me, asking to interfere in affairs to which no one had called your assistance, and which did not treat of citizens of the United States who might be under the protection of your vice-consulate, but of chiefs, rebels to the Spanish government, of armed men who came to swell the ranks of the insurgent parties of this island, and of the crew of a steamer seized on the high seas as a pirate, and subject by this act alone to the immediate action of the courts of justice, in accordance to the laws regarding piracy ruling in this island, and of which you are undoubtedly informed.

If the marine court which tried the pirate crew had had the slightest doubt as to the status of the vessel, and had it not considered itself absolutely and exclusively competent to try it, the same court would have addressed you through my official medium, or some one of the prisoners would have done so if all of them had not been confessedly convicted of the crime of piracy. All these explanations you could have obtained, as I have before stated, if, with the desire to be out of doubt, you had called upon me; but the way in which you addressed me, and the expressions you used, could not but otherwise make me believe in a desire on the part of your vice-consulate to give the question a character of gravity it did not possess.

No one, therefore, has objected to your making the defense of your citizens; no one has excluded you from any interference in favor of your citizens; no one has interpreted your words in a sense different to their meaning, as that of "the American colors" was taken to mean the North American flag, as you afterward stated; and, finally, no one has considered himself with any moral authorization whatever to believe that the steamer *Virginus* was a merchant-vessel, which lawfully used the United States flag, as her character of a pirate was public and notorious all over the world; consequently, your communication, to which I now reply, however flattering the explanation you give to your acts, has no foundation respecting the interpretation you are pleased to give to my phrases and to the conduct I have observed in this motive.

As to the reception I gave you at my residence when you called to see me, after addressing me three communications, you will excuse my saying that the reception I made you was as polite, respectful, and affable as usual, and so much so, you cannot forget, that I granted you the permission you asked for, to witness the execution, before a notary, of the will of Mr. O'Ryan, in the belief on my part that you had, if not the absolute certainty, at least the moral conviction, that he was a citizen of the United States, and that you had been called for by him, understanding you were the consul of his nation. But as you said this in my presence, after being told at the jail, whither you had repaired before seeing me, by the fiscal of the case, the best-informed person in the matter, and been assured that Mr. O'Ryan was not an American citizen, but an Englishman, according to his own declarations, which circumstance you concealed from me, through inadvertence or otherwise, it was then that I felt obliged, by my position, by the dignity of my office, and by the importance of the concession I had made, in virtue of assertions which had already been answered officially by proper persons, to express the surprise your conduct caused me, which might be all the loyal you wish, but which appeared suspicious, as wanting in sincerity and frankness; and you could rest assured that if you had asked me in a private and friendly manner to see

Mr. O'Ryan or any other of the prisoners, permission would have been granted in the act, as was done to various persons; but, exacting officially, and in demand of a right which did not exist, it was impossible such could be granted. This is all I have to say in reply, reserving to his excellency the superior political governor the decision respecting the revocation of your exequatur, which I have asked for, much more when this is so indifferent to you, as you state; as to the contrary I should have a real feeling of regret, as, aside from the question which occasions these replies, I have ever endeavored to keep up with you, as with the rest of the consular corps, the most respectful and cordial relations.

God preserve you many years.

CUBA, November 7, 1873.

(Signed)

The UNITED STATES CONSUL in this city.

JUAN N. BURRIEL.

[Inclosure 4 in No. 305.]

Commander Brandavis to Mr. Schmitt.

COMMANDANCY OF MARINE OF THE PROVINCE OF CUBA.

Being informed of your communication of yesterday evening, in which you are pleased to inform me that you protest against all the proceedings with reference to the steamer *Virginus* and with the persons detained or imprisoned on her, I have only to state to you that, considering that you are well informed of the most lawful motives which induced the man-of-war *Tornado* to seize the *Virginus*, finding her near and in direction to the lee-coast of this port, with a large expedition on board of men and contraband of war to aid the insurrection existing in the eastern part of the island, against the national integrity, wanting, besides, all the documents necessary for a merchant-vessel, that I much regret that you should seek to make reclamation for the impunity of this offense, condemned by all nations, and also further by the laws and decrees published by the superior authorities of this island.

I have only to inform you that the vessel and the persons found on board are in fact held to the action of the court of justice, and that it is impossible for me to attend to any kind of reclamation which may impede or oppose the action of these.

God preserve you many years.

CUBA, November 6, 1873.

RAMON BRANDAVIS.

The VICE-CONSUL of the United States of America in this city, &c.

No. 727.

Mr. Hall to Mr. Fish.

[Telegram.]

HAVANA, November 12, 1873. (Received Nov. 12.)

Morning papers publish statements, apparently from official source, that the captain of the *Virginus*, thirty-six of the crew, and sixteen others, were shot on the 7th and 8th instant.

Consul at Kingston reports that vessel was under United States flag, papers regular and cleared for Aspinwall.

HALL.

No. 728.

Mr. Fish to Mr. Hall.

[Telegram.]

DEPARTMENT OF STATE,

Washington, November 12, 1873.

Ask of authorities for confirmation or denial of reported massacre and outrage upon captain and crew of *Virginus*. Report at earliest possible moment.

FISH.

No. 729.

Mr. Fish to Mr. Hall.

[Telegram.]

DEPARTMENT OF STATE,

Washington, November 12, 1873.

You will demand of authorities the most ample rights secured by treaty or law of nations for all American citizens on the *Virginus*. Instruct consul at Santiago to see that they have counsel and advocates, and that he report as to all judicial or other proceedings.

FISH.

No. 730.

Mr. Hall to Mr. Fish.

[Telegram.]

HAVANA, *November 15, 1873.* (Received Nov. 15—11 a. m.)

The executions reported 12th instant fully confirmed by British consul at Santiago and consul-general here. Sixteen of crew were British subjects, and were executed notwithstanding the intervention of the governor of Jamaica and the British commodore.

Papers yesterday published accounts of the execution of fifty-seven other prisoners, and that only some eighteen will escape death. Nothing official received.

HALL.

No. 730 $\frac{1}{2}$.*Mr. Hall to Mr. Davis.*

No. 2.]

UNITED STATES CONSULATE-GENERAL,

Havana, November 15, 1873. (Received Nov. 21.)

SIR: Referring to dispatch No. 305 of 14th instant, and series from this consulate relating to the case of the steamer *Virginus*, I now accompany a copy of a communication addressed by the commandant-general of the eastern department to the British vice-consul at Santiago de Cuba, in reply to his request in behalf of the British commodore at Kingston and the governor of Jamaica, to suspend the execution of the British subjects found on board that steamer. I regret that I am unable to send the Department a translation of this important document.

The British consul-general at this place has communicated to his government substantially the following:

Chase begun and capture effected on the high seas. Sixteen British subjects of the crew of the *Virginus* were shot 7th instant at Santiago de Cuba, in spite of the governor of Jamaica and the commodore's protest to the governor, through the vice-consul. Her Majesty's ship *Niobe* arrived there the next day. Seven British subjects remain, six of whom are under age.

In consequence of the foregoing information, furnished me by that officer, I telegraphed the Department this morning as follows:

HAVANA, November 14.

The executions reported 12th instant fully confirmed by British consul at Santiago de Cuba and consul-general here. Sixteen of crew were British subjects, and were executed notwithstanding the intervention of the governor of Jamaica and the British commodore. Papers yesterday publish accounts of the execution of fifty-seven other prisoners, and that only some eighteen will escape death. No official report received.

In an inclosure I transmit the names of the crew of the *Virginus*; those marked with an asterisk (*) are the names of the British subjects executed.

I have no other information to add to-day other than that I have nothing later than the 9th instant from Santiago de Cuba, and nothing to confirm the report of the execution of the fifty-seven of the prisoners said to have taken place on the 10th instant, but I have no doubt whatever of its truth.

I am, &c.,

HENRY C. HALL.

[Inclosure.]

List of names of the crew of the steamer Virginus.

	Positions.
Joseph Fry	Captain.
William Baynard	1st mate.
James Flood*	2d mate.
J. C. Harris	3d mate.
John N. Posa	Surgeon.
B. P. Chamberlain	1st engineer.
Charles (4) Knight	2d engineer.
Eduardo Bay	3d engineer.
J. S. Trujillo	4th engineer.
Jact Williamson	1st asst. engineer.
Henry King*	2d asst. engineer.
Porfirio Coroison	Purser.
P. Alfaro	Asst. purser.
Thomas Grigg*	Firemen.
Frank Good*	
Paul Runer	
Bamey Herald*	
H. Knight	Oiler.
James Samuel	Coal-passer.
Henry Frank*	Coal-passer.
James Read*	Coal-passer.
Samuel Card*	Coal-passer.
John Brown	Coal-passer.
Alfred Haisel*	Coal-passer.
W. J. Prince*	Coal-passer.
George Thomas*	Coal-passer.
Exaquiel Durham	Coal-passer.
Thomas Walter William*	Steward.
Simon Broome*	2d steward.
Leopold La Rose	Cabin-boy.
Antoni Constantine	Cabin-boy.
Charles de Brose	Cabin-boy.
A. Arsi	Store-keeper.
William Denton	Engineer's servant.
Alfred Parker	Quartermaster.
William Rose*	Seaman.
William Wilson	Seaman.
Thomas Lindgy	Seaman.
John Freeman	Seaman.
John Stewart	Seaman.
Henry Bond*	Seaman.
George Thompson*	Seaman.
John Pothemout	Seaman.
Edward Scott	Unknown.

N. B.—Those marked with a * are the names of British subjects executed.

No. 731.

Mr. Nunes to Mr. Davis.

No. 5.]

UNITED STATES CONSULATE,

Kingston, Jamaica, Nov. 15, 1873. (Received Dec. 5.)

SIR: I have the honor to inform you that the American steamer *Virginus*, which entered at this consulate on the 10th day of July last, after a stay of three months and thirteen days cleared on the 23d ultimo for Port Limon, Costa Rica. On the morning of the 5th instant I received a brief telegram from E. G. Schmitt, esq., vice-consul at Santiago de Cuba, (see inclosure No. 1,) informing me that the *Virginus* had been captured and taken thence, (to Santiago;) also requesting her nationality, and "if cleared under American papers." I replied by telegram, (see inclosure No. 2,) stating that the *Virginus* had produced American papers at this consulate, and that she had been entered and cleared as American. On the morning of the 7th, at 8 a. m., I received a note from the colonial secretary, (see inclosure No. 3,) informing me that his excellency the governor of Jamaica had telegraphed the British consul at Santiago, suggesting a strong demand for "suspension of execution, at least pending a formal trial, in the case of all who claimed to be British subjects."

Her Majesty's steamer of war *Niobe* had been previously dispatched, on the evening of the 6th instant, for Santiago, for the purpose of protecting British subjects on board of the *Virginus*. At 10 a. m. on the 7th I telegraphed Mr. Schmitt, (a copy inclosed, see inclosure No. 4,) informing him that the *Niobe* had left, and requested him to ask the commander to protect American interests connected with the *Virginus*, in absence of any United States war-steamers. At 12 m. on the 7th I telegraphed Commander Cushing, of the United States steamer *Wyoming*, at Aspinwall, (see inclosure No. 5,) giving him such facts as I was in possession of; also informing him that Americans might require protection at Santiago. The Department will observe that I left it entirely to the discretion of Commander Cushing whether he would proceed to Cuba or not. On the 8th, more information was received in Kingston as to shooting of certain Americans in Santiago. I immediately telegraphed Commander Cushing (see inclosure No. 6) to that effect, also informing him that information was of such a character as to point to the necessity of American steamers of war being at Santiago. On the afternoon of the same day, the eighth, a telegram passed through this consulate, (see inclosure No. 7,) from Commander Cushing to vice-consul at Santiago, inquiring if the *Virginus* was captured on the high seas, and if the lives of the captain and American crew were threatened; also soliciting more facts. Having in my possession the information required by Commander Cushing, I telegraphed them to him, (see inclosure No. 8,) at the same time transmitting his telegram through to Santiago.

On the morning of Sunday, the 9th, the consul's reply to Commander Cushing was received, (see inclosure No. 9,) but too late to be forwarded by the Aspinwall cable, and it did not go forward until 10 a. m. on Monday, the 10th. On sending the telegram to Commander Cushing, I telegraphed to Mr. Schmitt, at Santiago, informing him that his telegram to Commander Cushing had not been transmitted until 10 a. m. on that morning, and requesting further particulars for transmission, (see inclosure 10.) To that he (Mr. Schmitt) replied, (see inclosure No. 11,) informing me that he had no more particulars to transmit since his last telegram. On the same evening (the 10th) I received a telegram from

Commander Cushing, (see inclosure No. 12,) instructing me that he was coaling, and would leave that evening or early next morning.

On the morning of the 11th I received per French mail-steamer *Desirade* a communication from Mr. Schmitt, (see inclosure No. 13,) giving particulars of the matter, and suggesting that I might telegraph to St. Thomas for a United States steamer of war, which I immediately did. (See inclosure No. 14.) To that I received a reply on the same day, (the 11th,) informing me that there were none there or in the neighborhood. (See inclosure No. 15.)

I answered Mr. Schmitt on the 13th by Her Majesty's steamer *Woodlark*, which left here for Santiago on that evening.

The United States steamer *Wyoming* arrived here yesterday afternoon from Aspinwall for coals, on her way to Santiago. Upon her arrival I telegraphed Mr. Schmitt. She took on her supply of coals and left again for Santiago at 10.30 a. m. this morning.

Capt. Joshua N. Rowe, of the American schooner *Village Belle*, of Savannah, Ga., had informed me that he had been boarded by the Spanish steamer of war *Tornado* on the 31st October, and that he had not lost sight of her during the day, and again saw her and another steamer chasing a steamer answering to the description given him of the *Virginus*, and that he was then forty miles from Santiago, steering for Jamaica—that was at sundown—and should the foremost vessel have been captured at 10 p. m. on the night of the same day she could not have been less than seventy miles from the coast of Cuba. I informed Commander Cushing, who thought it important that Captain Rowe should make a sworn statement, which I have taken, and inclose a copy herewith. (See inclosure No. 16.)

The Department will see that I have used my best endeavors for the protection of American lives in this matter, and I trust my action herein will give satisfaction to the Department. The charges for telegrams I will include in my quarterly miscellaneous-expense account, or make a special account for them, as the Department thinks fit.

Any other information that I may receive relative to the *Virginus* I will immediately transmit.

I have the honor, &c.,

ROBERT NUNES.

[Inclosure 1 in No. 5.]

Mr. Schmitt to Mr. Nunes.

Steamer *Virginus* captured; brought here. What is her nationality if cleared under American papers?

[Inclosure 2 in No. 5.]

Mr. Nunes to Mr. Young.

Virginus produced American papers at this consulate; entered and cleared at consulate as American.

[Inclosure 3 in No. 5.]

Mr. Young to Mr. Nunes.

10 P. M. November 6, 1873.

SIR: With reference to the reported capture of the steamship *Virginus* the governor desires me to acquaint you that he has caused the following message to be sent to the British consul at Santiago de Cuba:

"Governor of Jamaica does not believe, unless judicial condemnation has taken

place, that *Virginus* is a pirate. If not a pirate the shooting of any British subjects for being on board cannot be lawful. British subjects may have been shipped here as crew or passengers, and, as *Virginus* was not armed, and carried from Jamaica no war-like munitions, they may have been ignorant that the vessel was not peacefully bound for Limon Bay, for which port she cleared. Governor suggests a strong demand for suspension of execution at least, pending a formal trial, in the case of all who claim to be British subjects."

I have the honor, &c.,

WILLIAM A. S. YOUNG.

[Inclosure 4 in No. 5.]

Mr. Nunes to Mr. Schmitt.

NOVEMBER 7, 1873.

English war-steamer *Niobe* left for Santiago last night 7 o'clock. In absence of American steamer ask her captain to protect American interests connected with *Virginus*.

[Inclosure 5 in No. 5.]

Mr. Nunes to Captain Cushing.

NOVEMBER 7, 1873.

Intelligence has been received consignee that American steamer *Virginus* was captured on the high seas by the *Tornado* on the 31st ultimo. Ryan, an American, shot; others expected to be similarly treated. *Niobe* left here last night to protect British subjects. I learn there is no American war-vessel in Santiago, and therefore inform you, as it appears necessary to me that American lives might require protection. Consul Santiago telegraphed me, 5th, *Virginus* captured, carried there; requested nationality. Please reply.

[Inclosure 6 in No. 5.]

Mr. Nunes to Captain Cushing.

NOVEMBER 8, 1873.

Americans taken in the *Virginus* have been shot at Santiago; consul was not permitted to see them; strong letters have passed; telegrams are subject to strict scrutiny; but information is of such character as to point to the necessity of American steamers of war being at Santiago.

[Inclosure 7 in No. 5.]

Captain Cushing to Mr. Schmitt.

NOVEMBER 8, 1873.

Was the *Virginus* captured in Cuban waters or on the high seas? Are the lives of the captain and American crew threatened? Have you telegraphed to the United States Government? I want more facts.

[Inclosure 8 in No. 5.]

Mr. Nunes to Captain Cushing.

NOVEMBER 8, 1873.

Your telegram to consul Santiago seen by me. By schooner from Santiago I learn *Virginus* captured in neutral waters. Americans positively have been shot.

[Inclosure 9 in No. 5.]

Mr. Schmitt to Captain Cushing.

Virginus captured on high seas, 31st October, ten o'clock night; brought here 1st November, five o'clock, evening.

Four shot on 4th. Yesterday Captain Fry and thirty-six others, mostly crew. Twelve this morning. No telegraphic communication with the States or Havana. Wrote consul-general; no reply yet. No American war-vessels about.

[Inclosure 10 in No. 5.]

Mr. Nunes to Mr. Schmitt.

Your telegram of Saturday to Cushing received Sunday, too late for Colon cable. It goes forward at 10 this morning. Supply further particulars for transmission with former telegram. Do so at once.

[Inclosure 11 in No. 5.]

Mr. Schmitt to Mr. Nunes.

Nov. 10, 1873.

No communications received from home, nor particulars since last.

[Inclosure 12 in No. 5.]

Captain Cushing to Mr. Nunes.

Am now coaling; will leave to-night or early to-morrow morning for Santiago.

[Inclosure 13 in No. 5.]

Mr. Schmitt to Mr. Nunes.

Nov. 10, 1873.

SIR: Doubtless you are aware of all that the Virginus, Captain Fry, crew, and passengers have gone through; they have been captured at eighteen miles to Morant Bay, at 10 o'clock, night, 31st October, brought here 1st November, 5 o'clock, evening; confined, that nobody could communicate with them; some one hundred and odd were brought to prison; captain and crew kept on board the Spanish man-of-war; trials were going on, as also condemnation, without admitting that they were very desirous to see their consuls, which they were always refused; no letters came to hand of any of them, only a few moments before the Captain Fry and crew being shot.

I would have been glad if his excellency the governor had let my telegram to you through on the 2d inst.; but refused, objected, and detained the same until the 4th, evening, as you might have had chance to send same abroad, inquiring either at Aspinwall or St. Thomas of any American United States steamship of war, as I supposed you have done with Wyoming, procuring to be furnished with all information, which I have telegraphed to Captain Cushing, and hope to see him soon here, as we have had no communication with to Havana and the United States of America only by steamer, and that three of the regular mail-steamers been lost. Since only last Wednesday we came by the south to two a week. One of them arrived last night, and did not bring any letter from consul-general in answer to the event communicated on the 2d; probably by the boat to arrive the 12th will certainly hear and receive instructions, (as I have been acting to my own knowledge and what my good friends informed me of.) I was introduced to jail by the request of Captain Fry at 2 o'clock, 7th inst. Took his declaration and protest. Virginus was captured on high seas, and will certainly create great difficulties to the Spanish government, which they deserved. Captain kept all energy to the last; was shot, and died like a brave marine. Alfaro and great many others same. I do not wish that this be published in any newspapers.

Among the letters handed to me at the time of the execution and after, herewith one for you from Fry, and another for Prescott. He has also wrote to the President of the United States of America, and several of his friends. I was shamefully received by H. E., when having heard whilst O'Ryan in Capillo, night, asked to see me, called

to have permit to see him in jail, as he wanted to make his will, was refused, and had heard all his exasperated cries so as to be heard from the square. All of which, as also having set a guard of three soldiers at the door of my residence, where I keep the United States consulate office, half an hour previous before the *cortége* passed, as I live little below the prison, all what is communicated to consul-general Havana and Department of State.

I have the honor, &c.,

E. G. SCHMITT,
Vice-Consul.

[Inclosure 14 in No. 5.]

Mr. Nunes to Mr. Simmons.

Nov. 11, 1873.

Send war-steamer, if any at St. Thomas, immediately to Santiago; *Virginus* captured, high seas, 31st October; captain and crew executed 7th. *Wyoming* left Colon this morning for Santiago. Reply.

[Inclosure 15 in No. 5.]

Mr. Simmons to Mr. Nunes.

Nov. 11, 1873.

No war-steamers; nor in the neighborhood.

[Inclosure 16 in No. 5.]

Deposition of Joshua N. Rowe.

Nov. 14, 1873.

Joshua N. Rowe, of Rockland, Maine, after being duly sworn, deposes and says that he is master of the American schooner *Village Belle*, of Savannah, Georgia; that on the 27th day of October, A. D. 1873, he anchored at St. Iago de Cuba. The Spanish war-steamer *Tornado* anchored near his vessel. He sailed on the 30th. During the night it was calm, and up to 9 a. m. 31st October he had made about forty miles from St. Iago toward Port Antonio, Jamaica. At 9 a. m. 31st October was boarded by a boat from the Spanish war-steamer *Tornado*; inquired name of vessel, and left him, (meaning the vessel.) The *Tornado* steered toward the coast of Cuba, toward St. Iago. Deponent further declares that between three and four o'clock on afternoon of 31st October, *Tornado* still in sight, saw two other steamers. He then saw that all three steamers were steering toward the coast of Jamaica. The vessel ahead was a long low steamer, with two masts and two chimneys, and all on board the said vessel pronounced the one being chased to be the *Virginus*, from descriptions given them of the said *Virginus*, and deponent knows that the steamer astern of the one being chased to be the Spanish war-steamer *Tornado*.

They passed within three miles of deponent's vessel, so that he distinctly discerned one steamer ahead and two in chase. Deponent declares that the watch on deck reported that they had seen steamers returning to the coast of Cuba between two and three in the morning of the 1st November, which he thinks were the same steamers that passed him at sundown steering for the coast of Jamaica. Deponent further declares that, from his knowledge of navigation, if the steamer ahead was captured at 10 p. m. in the night she could not have been less than seventy miles from the coast of Cuba.

The deponent makes this declaration to the best of his knowledge and belief.

JOSHUA N. ROWE,
Master Schooner *Village Belle*.

Sworn to before me this 14th day of November, 1873.

No. 732.

Mr. Hall to Mr. Fish.

[Telgram.]

HAVANA, November 18, 1873. (Received Nov. 18—10.10 p. m.)

The consul at Santiago de Cuba reports, under date 13th instant, that the total number of executions of persons from the *Virginus* was

fifty-three, and that there had been no executions since 8th instant. Statements published here on 14th instant respecting fifty-seven additional executions prove untrue. The British steamer Niobe was at Santiago, and the Wyoming expected there on the 14th. The Virginus arrived here to-day.

HALL.

No. 733.

Mr. Hall to Mr. Davis.

No. 6.]

UNITED STATES CONSULATE-GENERAL,
Havana, November 22, 1873. (Received Nov. 29.)

SIR: I transmit herewith a statement made by the United States vice-consul and the vice-consul of France at Santiago de Cuba, in regard to the action of the authorities of that place, in placing a guard of marines before the consular office on the day of the execution of the captain and crew of the Virginus.

The only reasonable pretext that I can imagine for this act, on the part of the authorities, is that they may have desired to protect the consulate in the event of any popular demonstration against it. There could have been, in my opinion, no other justifiable motive, and naturally they would not confess their apprehensions to Mr. Schmitt.

No information of special interest has been received from Santiago de Cuba since my last communications, further than that the United States steamer Wyoming, Commander Cushing, arrived there on the 15th instant.

I have to-day reported his arrival to the Navy Department.

I would call the attention of the Department to the many articles published during the past ten days, in the papers of this city, relating to the affair of the Virginus. I regret my inability to furnish translations.

I am, &c.,

HENRY C. HALL.

[Inclosure.]

UNITED STATES CONSULATE,
Santiago de Cuba, November 7, 1873.

Be it known that on the 7th day of November, 1873, at 4 o'clock p. m., I, the undersigned, E. G. Schmitt, vice-consul of the United States at Santiago de Cuba, in order to report to my Government, as such consular officer, the gross insult which has just been put upon this consulate by the officers of the Spanish navy and army, thereby showing a want of courtesy and behavior contrary to and prejudicial to the community and the privileges which consuls of the United States possess in Spanish countries by virtue of treaty stipulations, have hereby drawn up the following statement of facts to submit to the knowledge of the United States Government, to wit:

On this afternoon, Mr. Alphonse Garrus, French consul at this city, and his chancellor, Mr. E. Vigie, joined me in my consular office and residence for the purpose of seeing Captain Frye and the individuals of the crew of the steamer Virginus, who were condemned to be shot on this day, pass by on their way to execution. Just previous to their leaving the jail, we have noticed a guard of two soldiers of marine infantry and a corporal of the army stationed at the door of this consulate, without any previous notice having been given of any such intention on the part of the authorities.

I immediately demanded of the guard their motives in placing themselves at my door, and politely asked them to withdraw, and was answered that it was in obedience

to an order from the commanding officer of the forces at the jail and in charge of the prisoners, and consequently they formally refused to withdraw.

Wherefore, I do formally protest against this act, and the person or persons responsible therefor, and have drawn up this statement, which, together with the gentlemen before named, I have signed at Santiago de Cuba, the day and year as before written.

(Signed)

(Signed)

(Signed)

E. VIGIÉ.

ALPHONSE GARRUS.

E. G. SCHMITT.

No. 734.

Mr. Hall to Mr. Fish.

No. 8.]

UNITED STATES CONSULATE-GENERAL,
Havana, November 22, 1873. (Received December 3.)

SIR: With reference to your No. 204 and telegram of the 12th instant, instructing me to demand of the authorities the most ample rights secured by treaty or the law of nations for all Americans on the *Virginus*, I have to state, in reply, that upon the receipt of the telegram I called personally upon the superior political governor and read the same to him. He answered me in civil terms, much in the tenor of his two communications upon the same subject, referred to in my Nos. 298 and 304, and substantially that the consular prerogatives, being of a mere commercial character, did not authorize me to address him upon subjects of the nature referred to; that he had acquainted his own government with all the facts that had come to his knowledge respecting the *Virginus*, and that from the representatives of the United States in Spain and of Spain in the United States my Government would be made acquainted with all such facts.

I have, &c.,

HENRY C. HALL.

No. 735.

Mr. Schmitt to Mr. Fish.

No. 104.]

UNITED STATES CONSULATE,
Santiago de Cuba, November 23, 1873. (Received Dec. 5.)

SIR: I have the honor to inform your honor that on the 1st instant, at 5 o'clock in the evening, the Spanish steamer of war *Tornado* entered this port, convoying the American steamer *Virginus*, captured on high seas, having on board some one hundred and sixty-five individuals, foreigners and Cubans, brought as a prize, among which Colonel Ryan, B. Varona, (alias Bembeta,) Jesus del Sol, Peter Céspedes, brother of the President, Carlos Manuel Céspedes, a son of the same President, and a brother of Quesada.

* * * * *

I have, &c.,

E. G. SCHMITT,
Vice-Consul.

[Inclosure 1 in No. 104.]

Captain Fry to the American consul at Santiago de Cuba.

SIR: I have made several ineffectual efforts to communicate with you, and am at a loss to understand why the agent of a Government as powerful as the United States should not at once communicate with the master of an American vessel captured on

the high seas, in time of profound peace, by a Spanish man-of-war. I desire that the papers of the *Virginus* should be examined by you, and the facts and incidents of her attempted voyage noted and communicated at once, by telegraph, to the Government, as it may serve to save future complications between the governments of Spain and the United States.

I am, &c.,

JOSEPH FRY,
*Master of the Steamship Virginus,
Now a prisoner in the Spanish man-of-war Tornado.*

[Inclosure 2 in No. 104.]

Declaration of Captain Fry.

Declaration taken on this day, 7th of November, 1873, after having sworn unto the Bible, that this is the true and real words of the Capt. Joseph Fry, aged 47 years, born in Florida, in the United States of America, and being condemned to death by the martial law in the jail of the city of Santiago de Cuba, in the presence of the American vice-consul, E. G. Schmitt, after making oath to tell the truth, on the Bible, &c., and having made declaration and protest as he do solemnly protest before and in the presence of the said vice-consul, declare: Being master of the American steamer *Virginus*, with all his papers, specially register of the steamer, crew-list, articles, clearance from Kingston, Jamaica, as also dispatch from the custom-house, &c., sailed on the 23d day of October, 1873, with all his crew and passengers, to the number of one hundred and eight, or thereabout. After a few hours at sea, sprung a leak and put into the Haytien port for repairs. Sailed from the port of Caimit, of that island of Hayti, on the 30th day of October, 1873, and while between the islands of Cuba and Jamaica, about twenty odd miles from Cuba, were chased by a steamer and captured about 18 miles north of Marrant Point, east end of the island of Jamaica, about 10 o'clock at night, the ship having fired several shots over the *Virginus*, and compelled her surrender. The steamer was then taken charge of by a boarding officer, who stated that he did so on his own responsibility, knowing her to be an American vessel and under the protection of the American flag, when the master, Joseph Fry, with crew and passengers, were placed under guard and all brought into the port of Santiago de Cuba, on the 1st day of November, in the evening subsequently, after having delivered all the papers of the aforesaid steamer when she was captured. He has been refused officially all chances of application or appliance to his consul for protection, and he has been condemned to death, with the greatest part of his crew, under no known public law or pretext, a local proclamation, of which he or they had never heard; and as he has only time to make his appeal, being hurried in his preparations for death, and as he wishes it should be stated, being his true declaration to serve his guard.

IN JAIL, at 2 o'clock, the 7th of November, 1873.

JOSEPH FRY.

UNITED STATES CONSULATE,
Santiago de Cuba, November 7, 1873.

Be it known that the day of this date, in the jail of this city, I, E. G. Schmitt, vice-consul, having been called by Capt. Joseph Fry, of the American steamer *Virginus*, to take his oath, declaration, and protest, extended hereabove and verse, is his true authentic declaration, testified by the Spanish officer in charge of the custody of the prisoners, signed as witness in my presence, which contents of this public instrument recorded in the books of this consulate, to serve and avail to all and whomsoever it shall or doth or may concern, and may be needed as occasion may require.

In testimony whereof I have hereunto set my hand and affixed the seal of the consulate at Santiago de Cuba, the day and year above written, and of the Independence of the United States the ninety-eighth.

E. G. SCHMITT,
Vice-Consul.

[Inclosure 3 in No. 104.]

VERBAL COUNCIL OF WAR, (COURT-MARTIAL.)

The tribunal is constituted in the following manner: A fiscal, (instructor accuser, a military officer of the grade of, or above, major, appoints a notary and an orderly, who may be a corporal or a private. The chief of the tribunal is the governor, who appoints six persons on the court, ranking as captains. The constituted council instantly summon two or three persons as accusers, to make declarations against the prisoners, and, supported by their affirmations, they proceed to receive the declaration of the parties accused.

After this, it is the rule that the prisoner may select an advocate or defender from a list of officers presented to him. The selection must be immediate. The fiscal then accuses the prisoner before the tribunal, without caring for his presence or description, as it saves time. When once the accusation is complete, they deliver the papers to the advocate of the defender, who is given from half an hour to a maximum of four hours to take evidence for the defense. The whole case must be reviewed and decided within twenty-four hours, and no pretext is allowed to detain the case longer. The fiscal then immediately informs the military governor of the tribunal's decision, sending him the documents and evidence, and naming the time and place where the council is to meet. Before the military council the fiscal reads the declaration that begins the process, after which the witnesses come forward to ratify all that they have declared in the presence of the accused. The fiscal then reads the accusation, and the defense reads his evidence, and the sentence and finding of the court-martial is decided by a vote, the junior officers voting first. The sentence being pronounced, the papers are sent to the governor for his approval, which is given after a consultation with his legal adviser. It is the custom of these tribunals to have the assistance of an advocate, but in the case of the *Virginus* they avoided having one.

The declarations of the accused were translated by Mr. Isidore Agostini, the sworn interpreter, *ad interim*, of the Spanish government; and those of Captain Fry and his crew by Mr. Emile Agostini, interpreter of the marine. The younger Agostini is a volunteer officer of the army and in a dependent position, so that his translation might be suspected, as he is entirely at the will of his superiors. As to the older one, he is also in a position of absolute dependence, and must favor the prosecution rather than the defense. This is shown by the care that they took to prevent the United States and British consuls from seeing the prisoners or from witnessing their declarations. It is reported that Captain Fry declined to answer all the questions put to him; protested that, by the law of nations, he and his crew had committed no offense that justified his or their imprisonment or trial as pirates, claiming to be commanding an American merchant-vessel, furnished with all properly-certified papers, which he had delivered to the boarding-officer of the capturing vessel. Nearly all of the crew have declared that they were ignorant of what the tribunal desired of them, and why they were tried; that they had been engaged in the customary way on the vessel, without questioning the object or termination of the voyage, and that they were guilty of no international crime.

E. G. S.

SANTIAGO DE CUBA, November 23, 1873.

 No. 736.
Mr. Schmitt to Mr. Fish.

No. 107.]

UNITED STATES CONSULATE,

Santiago de Cuba, December 4, 1873. (Received Dec. 18.)

SIR: I have the honor to inclose herewith a list of the captain, Joseph Fry, and crew, captured in the *Virginus*, who never came to the jail except for a few hours before their execution, ordered by the captain of the port, (commandant of marine, *i. e.*, major of marines,) executed on the 7th day of November, 1873, at 4 o'clock p. m. Yesterday morning the prisoners, ninety-two in all, taken from the steamer *Virginus*, were conveyed from the city prison to the Morro Castle, and, seeking information, with Capt. D. L. Braine of United States steamer *Juniata*, of the governor here, he informed us they were sent by his order there, for the health authorities objected to the crowded jail.

This morning at 3 o'clock a. m. these persons were removed on board the Spanish man-of-war *Bazan*, secretly, by order of the captain-general of Cuba, and conveyed to Cienfuegos, thence by railroad to Havana.

Captain Braine protested against this covert act as contrary to the understanding with him. The governor fell back upon his orders from

superiors. We then visited the hospital, and found ten persons sick there, two of whom claimed to be Americans. The governor informed us that they were all to be sent to Havana as fast as they recovered. The feeling here is intense against Americans. We ought not to be left one day without a vessel of war in port, or probably the vice-consul would be ordered to leave the island by the volunteers or members of the Casino.

The government are now ordering all persons of over twenty-two years of age, residents there, to take arms as volunteers. The organ of the Casino Español in this place has repeatedly called on me, vice-consul, to refute some articles purporting to have been published in the Jamaica and Panama papers regarding Brigadier Burriel; I have not nor do not intend to reply. The three United States ships here intend leaving to-morrow for Key West, to meet Admiral Scott.

I have, &c.,

E. G. SCHMITT,
Vice-Consul.

List of crew captured in the Virginus, and who never came to the jail except for a few hours before their execution.

Name.	Where from.	Married or single.	Age.	Occupation.	Remarks.
1. Joseph Fry.....	United States.	Married.	47	Captain.....	Of merchant vessel, brought here to the jail by order of the captain of the port, (commandant of the marine, i. e., major of marines;) executed on the 7th, at 4 p. m., same day of arrival in jail.
2. William Baynard	do	Single...	37	Mate	Do.
3. James Floody.....	England	Married.	25	do	Do.
4. J. C. Harris	United States.	do	45	Miner	Do.
5. John N. Boza	Port Principe.	do	37	Farmer	Do.
6. B. P. Chamberlain.....	New York....	Single...	27	Engineer ...	Do.
7. Francisco Sotero Trujillo	Bayamo	do	37	do	Do.
8. Edward Day	New York....	Married.	32	do	Do.
9. John Williamson.....	United States.	Single...	35	Oiler.....	Do.
10. Pefirio Corbison.....	St. Jago, Cuba.	do	26	Commerce ..	Do.
11. Pedro Alfaro	Havana	do	26	Purser's cl'k	Do.
12. Thomas Grigg	Barbadoes	do	30	Mariner	Do.
13. Frank Good	Jamaica	Married.	37	do	Do.
14. Paul Rhumer	Ireland	Single...	40	Fireman	Do.
15. Barney Hewals	England	do	28	do	Do.
16. James Samuel.....	do	do	20	Mariner	Do.
17. Henry Frank	Barbadoes	do	21	Coal-heaver.	Do.
18. James Read	Africa	do	40	Fireman	Do.
19. Samuel Karel	Nassau	Married.	24	Mariner	Do.
20. John Brown	United States.	do	37	do	Do.
21. Alfred Hosel	England	Single...	22	do	Do.
22. Walter Frederick Price	do	do	20	do	Do.
23. George Thomas	Jamaica	do	22	do	Do.
24. Tho. Walter Williams..	England	Married.	26	Steward	Do.
25. Ezequiel Dunham.....	Canary Island.	Single...	27	Mariner	Do.
26. Simon Brown	Nassau	do	29	Waiter	Do.
27. Leopold Thos. La Rose..	United States.	do	18	Cabin-boy ..	Do.
28. Alonzo Arcey	Trinidad	Married.	38	Farmer	Do.
29. William Rose	Scotland	Single...	23	Mariner	Do.
30. John Stewart	Saint Martha, Venezuela.	do	29	do	Do.
31. Henry M. Bond	England	Married.	45	do	Do.
32. George Thompson.....	do	do	36	do	Do.
33. Ignacio Dueñas	Barranquilla..	Single...	27	Cook	Do.
34. Antonio Deloyo	Bolivia	Widower	30	Mariner	Do.
35. José Manuel Ferran....	Jamaica	Single...	22	Cook	Do.
36. Ramon Lawamendi	Bayamo	do	27	Farmer	Do.
37. Eusebio Gariza	Barranquilla..	do	22	do	Do.

List of the men who came from the Virginus crew to the jail, and who are now living, sent by the captain of the port at the disposal of the governor.

Name.	Where from.	Married or single.	Age.	Occupation.
1. Charles A. Knight	New York.....	Single	21	Engineer.
2. Henry King.....	England	Married ..	27	Do.
3. William Wilson.....	United States.....	Single	24	Mariner.
4. Thomas Lindgly	Canada	do	18	Do.
5. Charles de Brosse.....	Jamaica	do	18	Printer.
6. William Danton.....	do	do	17	Tailor.
7. John Pothremont	do	do	17	Tinsmith.
8. Edward Scott	Jamaica, U. S.	do	16	Do.
9. John Freeman	Curaçoa	Married ..	16	Mariner.
10. Nicholas Cardozo	Colombia	Single	14	Waiter.
11. Joseph del Espiritu Santo.....	Jamaica	do	16	Cook.
12. Alfred Parker.....	United States.....	Married ..	31	Mariner.
13. Henry Knight.....	New York.....	Single	16	No profession.
14. Philip Marty.....	Curaçoa	do	20	Assistant engineer.
15. Antonio Constantine	do	do	14	On board of the gunboat Cuba-Española.

No. 737.

Mr. Hall to Mr. Davis.

No. 13.]

UNITED STATES CONSULATE-GENERAL,
Havana, December 5, 1873. (Received Dec. 12, 1873.)

SIR: The past week has been one of great excitement here, owing to the defiant attitude of the Spanish population, or a portion of it, and to other causes growing out of the reported settlement, between the United States and Spain, of the affair of the Virginus, involving the delivery of the vessel and the release of the surviving prisoners still detained at Santiago de Cuba.

Reports and rumors of the most inflammatory character have been kept in constant circulation: sometimes, that the volunteers were arming and preparing to displace the captain-general; at others, that they would burn the Virginus in the event of her surrender. Yesterday morning it was understood that all matters had been arranged honorably to Spain; that the Virginus would be given up and the prisoners at Santiago de Cuba released to the United States; but during the day some telegrams were received which revived the smouldering fires of the previous days, and made it evident that the arrangement could not be carried out without bringing the authorities into conflict with the peninsular population. To-day again we have reports of a more pacific character; that the Virginus will be surrendered, and that all the instructions of the government of Spain will be complied with.

It is understood that the government of Spain has sent the most positive instructions to these authorities to carry out the agreement between the two governments; that the captain-general has desired to comply, and has been supported by some of the leading functionaries and military officials, and even by some of the commanding officers of the volunteer battalions, but that the admiral and other naval officers of the station refuse most decidedly to carry out such instructions, and are supported by a large majority of the officers of volunteers and almost the entire Spanish population.

In his purpose of complying with the instructions of the government of Spain, the superior authority of the island has been obliged to call into consultation the leading representatives of the classes above referred to, and evidently has failed to obtain their sanction to enable him to carry out such instructions. If finally he should be able to enforce them, it will

be due, doubtless, to his own personal influence and tact rather than to any respect which he inspires as the representative in Cuba of the supreme government of Spain. He evidently appreciates the anomalous position his government would be placed in through its inability to enforce its international obligations in Cuba.

The press of Havana has contributed its full share in bringing about the prevalent spirit of insubordination. Inflammatory appeals have been made to popular prejudices through the newspapers and anonymous publications, but after working up this spirit of resistance it now appears to be disposed to counsel calmness and confidence in the superior authority.

I respectfully call the Department's attention to the accompanying articles, taken from different newspapers of this place during the past week. These extracts will give some idea of the character of the appeals which have been made to prejudices of the peninsular population of Havana, at all times excitable, but at this time wrought up to the highest pitch of excitement by the events referred to.

I am, &c.,

HENRY C. HALL.

[Inclosure 1 in No. 13.—Translation.]

To the Government of the Nation :

A recent act performed by the Spanish navy, and showing once again the dignity and heroism of our marine, has wounded the feelings of a nation as proud as presumptuous, and which for some time has been protecting, in a manner as vile as it is cowardly, the enemies of our nationality, those who desire to see our glorious banner humbled and scorned.

The seizure of the insurgent steamer *Virginus* by the Spanish war-steamer *Tornado*, and the prompt and condign punishment of the infamous pirates, who, under shadow of the American flag, are endeavoring to continue the reduction to ashes of the best towns of this island and the assassination of our most loyal brothers, has been received with increasing enthusiasm by the *Spaniards*, *without conditions*, who understand that the hour has now arrived for the Latin race to recover in the New World all the importance and grandeur which correspond to it.

However, news is received from Europe announcing that the representatives of the United States, a nation which protects all the criminals of the earth, pretend to ask explanations from the Spanish government upon an act just and perfectly in accord with the law of nations; and, should this prove to be so, the undersigned, who believe that they are the faithful interpreters of the sentiments which animate all the loyal, address themselves to the government of the nation, in order that, relying upon the real wishes of public opinion, it shall not hesitate in the least, but give a severe lesson to the Anglo-Saxons in America, showing this race that it would be more possible for the island of Cuba to disappear forever than to consent with impunity that our nation shall be humbled and reviled.

The government of the Spanish nation may rest in the intimate conviction that the majority of the inhabitants of this great Antilla ardently desire to humble once for all the starry banner, which will never wave, and which can never wave, wherever is displayed the glorious ensign of Lepanto, of Trafalgar, Las Navas, Baylen, Pavia, Cernigola, Gerona, Saragossa, and many other places where memorable battles have been fought, and where our forefathers wrote in their blood the most revered pages in the history of our beloved country.

Let, then, the government of the Spanish nation be energetic if it wishes to be the echo of the sentiments of this country, and let it spare no sacrifice of any kind when it comes to saving the honor of our people; let it not fear the ridiculous threats of the United States, for all of us here are willing to die in defense of our rights and before the last rood of our country shall be profaned by the foot of the foreigner. Before we are humiliated by the impositions of despicable powers we shall know how, upon the sacred cry of "*Viva España*," to die surrounded by our children, that future generations may remember that it is preferable to disappear from the scene of life at once than carry on an existence full of ignominy and shame.

HAVANA, November 29.

[Inclosure 2 in No. 13.—Translation.]

ARTICLE FROM "LA CONSTANCIA," HAVANA, NOVEMBER 30, 1873.

At the present moment, after the arrival of the minister of ultramar, of his decree upon the raising of embargoes on the property of foreigners, of the opinions expressed in sundry places by some of the members of his suite, we believe it is now impossible to keep profound reserve upon the questions of to be or not to be—for every question is such for the loyal Spaniards—which oblige us to swerve from the line of conduct we had marked out for ourselves, and which we have faithfully followed since October, 1868. The loyal Spaniards of Cuba, both native and peninsulars, during the past five years, have committed faults, have been sometimes too confiding, and at others extremely careless, and frequently very tolerant with immoral public functionaries, and with merchants, contractors, and unscrupulous speculators. These weaknesses and the little attention they attract obey a general custom of our times. In the United States, as in England, France, Germany, and in Spain, immorality and speculation in public misfortunes have made rapid progress in these modern times, as has been repeatedly stated in our columns; but in the island of Cuba, notwithstanding the errors that have been committed, the native and peninsular Spaniards have not for a single moment forgotten their firm intention of not abandoning this land our forefathers discovered, colonized, and enriched, although there may be nothing left of it but a heap of ashes and ruins.

The loyal Spaniards of the island of Cuba must comply with their solemn oaths. We who have so often taken them—and we have taken the trouble to recollect it, that friends and foes alike may be reminded—must to-day say to our friends, that is to say, to all the loyal Spaniards of the island of Cuba, born in the peninsula, in the Antilles, and in other countries, who are identified with us, that the news which circulates, and which the *laborantes* know by the constant communications they write, are not entirely wanting in foundation. It is necessary that the people should know it, and every one should be considered as an enemy who endeavors to allay us to sleep when we need to be awake to prepare ourselves for the struggle, to conquer or avenge ourselves, as belongs to those men who desire to be worthy sons of heroic Spain.

The time has come for speaking the truth to the loyal Spaniards of the island of Cuba, and may the curse of God and the reprobation of history fall upon the heads of those wicked ones who endeavor to drive a bargain with public sentiment.

Far from putting off the question in order to prolong, although but for a day, an insupportable position, it is necessary to say to the Spaniards of the island of Cuba that the hour of trial we foretold has arrived, for we have seen it coming since October, 1868.

The hour has come to prove that we are forewarned, and must fulfill our oaths, falling, if fall we must, in mortal combat "to the knife," as said Palafox, the governor of immortal Saragossa, to the French in 1809.

We, the loyal Spaniards of the island of Cuba, will be promptly seconded by our brothers of the peninsula, and we shall conquer, by sea and land, those who hope to profit by our misfortunes, to thrust us out ignominiously from this island, and those despicable men who pretend to regenerate humanity, commencing by selling their country for thirty pieces.

Let us confide in the worthy captain-general of the island of Cuba; let us wait until he informs the public of all that occurs; for this is the only means to defeat the intrigues of those who know everything, thanks to the traitors who lend them powerful aid.

Let us trust, in short, that from to-day active measures will commence to be taken to organize resistance, and the attack by sea and land of all kinds of enemies, at the same time ordering all those to leave the island who are in the way, and refusing passports to those who can be of service to us personally and with their fortunes.

The superior authority cannot, ought not to waiver; all loyal Spaniards, native and peninsular, will render him our unconditional support, because we consider it a special favor of God, in whom we trust and hope, that these events should have occurred after General Joaquin Jovellar had relieved General Candido Pultain in the command of this island.

"True heroes are those," says a French historian, speaking of what was done in Chili and Peru by Brigadier Pezuela, "who obtain great triumphs with scanty means, as compared with those of the enemies." The captain-general of the island of Cuba may not have the elements to triumph over powerful enemies, but will always have more than enough to fight until he falls with honor.

[Inclosure 3 in No. 13.—Translation.]

ARTICLE FROM THE "VOZ DE CUBA," DECEMBER 2, 1873.

To the loyal Spaniards:

The "Voz de Cuba," which cannot deceive you, addresses you, to recommend calmness, prudence, and union.

The "Voz de Cuba," when it is a question of defending the honor of Spain, yields to no one. This it is not necessary to say. You know it, and our enemies know it.

Whilst we are united, whilst we do not consent that mean intrigues shall divide us, whilst love to our country unites us all like one man, the situation cannot be critical.

Three days ago a humiliation of such a nature was exacted of us that as Spaniards we could by no means consent to it; and animated all by the same desire, as if but one heart beat in the breasts of all, we rejected the humiliation. Our most worthy chief authority, who is completely identified with us, heard and transmitted our energetic and respectful protest.

But to-day that is not exacted. The pretensions have been immensely modified, and we do not hesitate to declare that our honor is saved.

But the Voz de Cuba declares it in a loud voice: There are among us emissaries of the enemy who attempt to break that union which is our salvation; who desire that we shall smooth the way to their triumphant treason; they desire that we shall be the ones to open the doors of the national palace to Carlos Manuel Cespedes.

Loyal Spaniards! Distrust all those who attempt to sow among us the seeds of discord. Do not believe them, even when they speak in the sacred name of Spain, which in the bottom of their hearts they curse, and which they believe the time has come for it to disappear forever from this Antilla.

Treason is as cunning as it is cowardly. It knows that it cannot conquer us, and to this end desires to make use of us.

The "Voz de Cuba" repeats, (and you know the "Voz de Cuba" does not deceive you,) have complete confidence in our chief authority, and rest assured that he will do nothing, absolutely nothing, that does not bear the impress of the purest Hispanism.

Calmness, then, and prudence, unwavering union, implicit faith in the chief authority, is what the "Voz de Cuba" asks of you, assured that you will listen; and every one that attempts to swerve you from this path, the only one which is to lead us to salvation, the only one by which our honor will come out untarnished, rest assured that he is either the victim of a miserable mistake, or a rogue who tries to convert us into becoming the vile instruments of his treason.

HAVANA ASSOCIATED PRESS, POLITICAL TELEGRAMS,
Madrid, November 29, 1873.

After having consulted confidentially with the European powers, who unanimously judged in a favorable sense for a reparation to the United States, and after also consulting the principal political men of the peninsula, the council of ministers has agreed as follows: First, to deliver up the steamer *Virginus* and the prisoners to the United States; second, to submit to a mixed tribunal the question of the legality of the capture of said vessel, as also that of indemnity for the families of the prisoners who were executed.

The steamer Virginus.

By the telegram of the associated press our readers will learn the resolution taken by the Madrid government upon the steamer *Virginus*.

The loyal Spaniards of this island, who have read with attention our articles upon this question, will understand the effect which the reading of this telegram has produced on us.

But whatever may be the impression our mind suffers, the "Voz de Cuba" is not of the temper to allow itself to be ruled and its judgment confused at the time it has great duties to perform; duties sacred and unavoidably imposed on us by the boundless confidence with which the loyal Spaniards of this island have distinguished us, and duties which we shall perform as our readers know we perform them on every occasion.

The question is much more complex than it appears, and presents one very interesting phase, under which it is necessary to study it thoroughly; and this the Voz de Cuba offers to do with the same attention it always devotes to every important question.

Meanwhile we will only say, as if in anticipation, that in all this question and the way it has been conducted, we discover a well-combined plan of the enemies of Spain in order to obtain, by means of surprise and as if by a kind of jugglery, the constant object of their wicked aspirations, the independence of Cuba.

The plan has been ably arranged, and there is no doubt that if we remain with our eyes shut we might fall into the trap set for us; but however concealed that may be, the Voz de Cuba will make it plain, and our enemies will not obtain their object.

For the present the "Voz de Cuba" again recommends, with the greatest earnestness, calmness, prudence, unwavering union, and confidence in our chief authority, for these are the indispensable means to overthrow the wicked plot we point out, and which we will fully discover.

To the skill of the enemy to lose us, we oppose our skill to conquer him, and for us to-day the highest degree of that skill consists in preserving that calmness, prudence, and that union which we shall never tire of recommending.

[Telegram.]

NEW YORK, November 29, 1873.

ZULUETA: The present question settled; full particulars go on by to-day's mail. Calmness and prudence. Spain comes out of the question gracefully. Acknowledge the receipt of this.

CEBALLOS.

[Inclosure 4 in No. 13.—Translation.]

ARTICLES FROM THE "VOZ DE CUBA," DECEMBER 3, 1873.

To the Spaniards in heart:

If there still are, as we have been assured, any impatient but unthinking spirits who, not understanding the gravity of the circumstances through which we are passing, pretend to carry into effect any manifestation of an illegal character, we exhort them to recollect that any one that now attempts to carry out acts of that nature incurs a tremendous, an immense responsibility, the extent of which he, perhaps, does not understand.

The imprudence of a single individual may compromise more than anything else the honor of Spain. Let good Spaniards know that the most worthy superior authority of the island, deserving of the most complete and absolute confidence, is engaged without rest on the grave affair which to-day attracts all the public attention. Let us therefore wait.

It would be making an ill return for the zeal, the elevated patriotism, the sincere good faith of the chivalrous, honorable, and worthy chief who fortunately governs us, it would be to offend him surely, not to show the greatest calmness; meanwhile the questions to which he dedicates all his activity and intelligence are being arranged.

The present captain-general of the island of Cuba—and of this we ought not to entertain the slightest doubt—will bring out the honor of Spain untouched, however violent or pacific the solution given to the question may be.

Let not the sincere Spaniards forget that we are surrounded by many *laborantes* who spread absurd rumors, and are interested in provoking conflicts of immense transcendence, now that the gravity of the circumstances and the excited state of minds tends to produce them. Do not forget that the *laborantes*, whose ability is well known, would not let slip, to secure their ends, the opportune occasion presented at the present moment.

Therefore calmness, union, and confidence. If you hear any one speaking of carrying into effect illegal acts—which would be a calamity that would overwhelm us—bear in mind that he must be either some restless spirit who does not stop to reflect on the tremendous peril in which he places the honor of Spain and the integrity of the territory, or a disguised rebel who desires to mock you most miserably.

And, above all, keep in account that any commotion, attempted or performed, would be a motive for rejoicing for our enemies, and would constitute a real triumph for those who desire to tear away our flag from this island.

Casino Español, Havana.

By decision of the board of directors of this casino, the following telegram, under yesterday's date, was transmitted to all the other casinos of the island:

"Telegrams from Madrid of the greatest importance have obliged all good Spaniards to renew their oaths to the government, to preserve the honor of the country in this Antilla, even at the cost of our lives. Confidence in us, equal to that we have in that center; and whatever decisive may occur shall be at once communicated."

ZULUETA.

[Inclosure 5 in No. 13.—Translation.]

ARTICLE FROM THE "DIARIO DE LA MARINA," DECEMBER 2, 1873.

To the Spaniards without condition:

With deep pain, with that pain which is shared by every Spaniard ready to die in defense of the dignity of his country and the honor of his flag, do we publish to-day

the telegram of the associated press received yesterday. The *Diario de la Marina* has maintained with all the force of conviction and of sentiment that the steamer *Virginius* has been, since August, 1870, until October 31, 1873, a vessel acquired for account of the rebels in this Antilla, and dedicated to introducing therein men, arms, and other munitions of war, to give life to the rebellion. This we have maintained in the past, do now, and shall in the future maintain, because the *Diario de la Marina* claims no other virtue than that of consistency; it may break, but will never bend, because it will never contradict itself.

The habitual readers of the *Diario* know that, some misinformed and others with mischievous intentions, the papers and persons have abounded in the United States to thunder against the capture of the *Virginius*, presenting it as an offense against the starry banner, as if vessels dedicated to filibusterism could legally carry the flag of any known or sovereign state, or as if they did not deserve the wrath of the people whose flag they usurp and dishonor. The Washington Government, we know not with what foundation, became, up to a certain point, the echo of the exaggerations of the press and the clamor of the orators at the meetings, and presented its claims to the Madrid government, commencing by forming them into a kind of ultimatum, which, according to our trustworthy information, was presented on the 26th of last month.

The Spanish government did not admit the conclusions of this note, which bore a very peremptory character. According to the associated press dispatch, it consulted confidentially with other European powers, which, undoubtedly misinformed, were unanimously of opinion in a favorable sense for a reparation to the United States; the government also consulted the principal political men of the parties which desolate the peninsula, whose opinion, it appears, was in accord with that of the European powers. After this taking of counsel, it continued debating the affair in order to settle upon the delivery to the United States of the steamer *Virginius*, and of the prisoners still alive, leaving other questions pending to be adjusted and determined as they deserve by diplomacy. The United States, for their part, agree to investigate if the vessel could legally carry the American flag, in order, in case it should result otherwise, to give us due satisfaction.

We place before our brothers the truth of the facts, such as we understand it, and must also say to them that the island of Cuba, that the brave and generous Spaniards who defend it have stated in the most solemn manner, even in the moments of greatest conflicts, in those moments which mediated between the requirements of the United States and the resolution of the Madrid government, that they persist in what they have so often repeated, which is, that the government shall place very high the dignity of the nation, without occupying itself much or little of the harm which might happen to the loyal of this province. This is the criterion, and it is just that history should record it, of those who, if we are not as fortunate as the companions of Hernando Cortes, and of Pizarro, at least are determined as they to die a thousand times for our country.

The narration we have just written has left our pen like bitter tears from a deeply-wounded heart, and when the solemn moment arrives that we have to make to our brothers—to those who think and feel as we do; to those who, like us, are ready to shed the last drop of their blood for our country—a slight admonition that we have to give them advice, we have to limit ourselves to addressing them an entreaty. We know that, before anything else, they are Spaniards; we know that peril does not frighten nor sacrifices deter them; we know that they desire what we desire, and which by no means personally alarms us nor makes the least impression. Let them preserve their noble uprightness and manly abnegation, but at the same time preserve that tranquil firmness which is bound to save us or give us an honorable death. We cannot more fully explain what we feel; we find no words to express all our ideas; let our ardent patriotism and our boundless Hispanism supply what our pen can but feebly express.

Inhabitants of Havana:

In my duty from preventing public opinion from being led astray, I consider it reasonable to address you in a friendly tone, and recommend to you the greatest calmness under the present existing circumstances. The question of the *Virginius* has given rise to the spreading by the enemies of the Spanish cause in Cuba of alarming rumors and news, which, certain to produce an effect upon your ardent and tried patriotism, only favor the insurrection.

It is true that agreements have been made, it is true that I have received telegraphic communications upon these same agreements, but if I have succeeded in inspiring among you any confidence, give me a proof of it by your considerate and tranquil attitude, assured that I will do all that is humanly possible in behalf of the great interests of this province, and of the dignity of the nation, which, like, you, I love more than life itself.

Your governor and captain-general,

JOAQUIN JOVELLAR.

HAVANA, December 1, 1873.

[Inclosure 6 in No. 13.—Translation.]

ARTICLE FROM THE "DIARIO DE LA MARINA," DECEMBER 3, 1873.

The ultimatum.

The correspondent of the New York Herald at Madrid, on the 26th ultimo, forwarded the following telegram:

* * * * *

We have something to add to and something to take from the version of the Herald respecting the exactions presented in the *ultimatum* to which it refers. We believe that the Washington Government asked, first, the delivery of the *Virginus* with her surviving crew; second, a salute to the American flag; third, the commencement of an inquiry, to exact before the Spanish courts responsibility of those who have insulted the American flag; and fourth, to submit to the decision of an arbitrament the compensation due to the families of the British and American citizens who were shot in Santiago de Cuba.

In the conditions we have just presented on our account the salute to the flag is not considered; all that relating to the indemnity is modified; those who intervened in the capture of the *Virginus* are to be subjected to the judgment of Spanish courts, and not a word is said respecting guarantees against future aggressions. The Government at Washington, unable to seriously entertain the inculpableness of the *Virginus*, engages on its side, *if the vessel had no right to carry the American flag, or if it is proven that it was armed to sustain the Cuban insurrection*, to give us satisfaction and reparation; but reserving to itself the power of trying its own citizens.

If the question be examined with the impartiality due to it, if the investigation be made with the sincere desire of unveiling the truth, it would not cost the least effort to prove that the *Virginus* traitorously carried the American flag, and that during three consecutive years it has been employed in sustaining and aiding the rebels of this island. In regard to this point we would willingly submit ourselves to that which, as jurists, and consulting their memory and their conscience, President Grant and Secretary Fish would assert upon the Holy Evangelists, because we believe them incapable of disregarding the sanctity of an oath.

The Madrid government rejected the mass of this *ultimatum*, and, as we know, in the most positive manner; and, as stated in yesterday afternoon's extra, stipulated for the delivery to the United States of the steamer *Virginus*, and of its surviving crew, leaving all other questions pending to be settled afterward. The United States maintain their compromise relative to the flag, and the occupation of the *Virginus*, to which is united the duty of giving us reparation and satisfaction in the way they shall determine; in that case, as we have before sustained, it will give place to no kind of doubt on the ground of justice and good faith.

It has appeared to us convenient, and even necessary, to present the question entire, to put face to face with the demands of the Washington Government the concessions of the Madrid government, that the public may establish by itself the due comparison, that it may judge with knowledge of the case, to reflect with that manly tranquillity which is proper to men capable of noble, loyal, and glorious resolutions. In the agreement of the American Government respecting the use of the flag and the occupation of the steamer *Virginus*, we find a great argument in favor of Spain.

By initiating this compromise, the Government at Washington recognizes the possibility—the probability, we should at least say—that the *Virginus* had no right to use the American flag, that it was fitted out to aid the rebellion of Yara, that it has rendered and was about to render, from the 23d to the 31st October, new and important services to the said rebellion; and when once this confession is admitted, it is hard to believe that a government should peremptorily demand the delivery of a vessel which it considered suspicious.

The more we probe this question, and the more we occupy ourselves over it, the clearer do we see the right of Spain; and just when we wish to be most impassive, most reasonable and cool, so much more does the blood boil in our veins, our hearts beat quicker, and, we own it without a blush, the heart rules the head, and feeling masters our reason. Let not our friends doubt now or ever of our loyalty, because they would be even criminally unjust; but we ourselves beg them to distrust the clearness of our intelligence, for he cannot be a prudent counselor who begins by saying that his heart rules his head, and feeling overmasters his reason.

[Inclosure 7 in No. 13.—Translation.]

ADDRESS.

The National Integrity to the Volunteers.

COMRADES: We have sworn to save the honor and the integrity of Spain, and we will save it. If it be necessary to die, we will die; for *dulce et decorum est pro patria*

mori. But we have also sworn to preserve order, obey and cause respect to the authority, and we should comply therewith. If our worthy captain-general, as prudent and noble as he is brave, with the purest and most elevated patriotism, asks of us confidence and a reflective and calm attitude to save the dignity of the nation, which, like us, he loves more than life itself; if in him we admire justice, valor, morality, and all the other virtues which make us look to him as a father, love him as a friend, and venerate him as a chief; if he is, in effect, with us without conditions, let us conquer the sentiments of just indignation which, with frenzied enthusiasm, always burst from Castilian breasts upon the slightest approach of a blemish on national honor, and follow his counsels. Let us wait, if he says we ought to wait, and execute his will, recollecting that we shall soon see—and perhaps very soon—shine at his side, in the now gloomy horizon of Cuba, the bow of peace and promise, and without him we shall find but chaos, and, behind that, perdition and dishonor to that beloved country we shall ever adore.

Should war break out, let us seek a glorious death without counting the number of our enemies; but for love of Spain, and in order not to disconcert the magnanimous design of astonishing the world with our heroism, let us await the orders of our captain-general. Implicit faith in his patriotism, confidence in his valor, obedience to his commands; calmness, union, firmness, and moderation among ourselves, and the future is ours. But should fate still hold for us some painful sacrifice reserved, some concession to wound our national pride, let us reflect that there is no nation, however great and heroic, which has not passed, some time, through the same bitterness, and let us have the sublime courage and abnegation of martyrs to save the integrity and the honor of Spain, and with the faith of sincere patriotism let us wait for better days.

Havana, December 2, 1873.

B. B. JIMENEZ,

President.

VINCENTE LUIS FERRER,

Vice-President.

G. IBÁÑEZ,

Secretary.

And many others.

Meeting.

At half past five yesterday afternoon his excellency, the minister of ultramar, presided over a meeting of authorities, which was also attended by the colonels of volunteers of this city, and a few other persons invited to that effect. To the inquiry which his excellency made, several of those present replied with the greatest loyalty, and there were replies as noble, and worthy to figure at its side, as that of Mendez Nunez: "Spain prefers honor without vessels, than vessels without honor."

No. 738.

Mr. Hall to Mr. Fish.

No. 19.]

UNITED STATES CONSULATE-GENERAL,

Havana, December 13, 1873. (Received December 21.)

SIR: I have to acknowledge the receipt of the Department's instructions Nos. 4 and 5, of 3d instant.

From information received from Santiago de Cuba, it appears that on the 3d instant our vessels of war, the *Juniata*, *Wyoming*, and *Kansas*, had a boat-exercise in that harbor, which somewhat alarmed the commanding general of the place, leading him to believe that an attack upon the prison and the release of the *Virginus* prisoners was contemplated by the commanders of those vessels.

Acting upon this unfounded apprehension, the commanding general, without any authority from Havana, had the prisoners transferred early in the morning of the 4th instant to the Spanish vessel of war *Bazan*, and sent in the direction of Havana.

The first intimation the captain-general received respecting this movement was communicated to him by telegraph upon the arrival of the

Bazan at Cienfuegos on the 7th instant. He immediately replied, giving instructions to the commander of the Bazan to return to Santiago de Cuba, and retain the prisoners on board until he should receive orders to surrender them to a vessel of war of the United States.

The Bazan, on her return to Santiago de Cuba, got aground near the port of Zaza, where she remained some twenty-four hours; during this interval the captain-general gave instructions to have the prisoners transferred to the coasting-steamer Cienfuegos, in further execution of his previous orders for their return to Santiago de Cuba. This occurred on the 9th, since when no further information has been received in regard to the prisoners.

The captain-general also informed me that he had communicated these facts to the Spanish minister in Washington, for the purpose of having them made known to yourself; and, further, that he had, on the 9th instant, transmitted his orders to Santiago de Cuba to have the prisoners delivered to any vessel of war of the United States now at Santiago de Cuba, whose commander might be authorized to receive them. It appears from the information obtained by Commander Braine, at Santiago de Cuba, that the total number of persons on board the *Virginus*, at the time of her capture, was one hundred and fifty-five, (155,) and not one hundred and sixty five, (165,) as at first reported. That of these, fifty-three (53) have been executed, one (1) has been released, and one hundred and one (101) were still held as prisoners.

At 2 a. m. of yesterday morning the *Virginus* was convoyed out of this port by the Spanish vessel of war *Isabel la Catolica*, and sent to Bahia Honda, where I suppose it has been arranged to deliver her to a vessel of war of the United States, although I have no information that any of our vessels have left Key West for that purpose.

During the day, as it became known that the *Virginus* had left the port, a general feeling of relief was experienced in business circles, and gold declined full 10 per cent. from the day previous. In the evening, however, a crowd of some four to five hundred persons of the lower classes of the peninsular population collected in front of the palace of the captain-general, without any other apparent purpose than to make some demonstration of disapproval of what to them appeared to be the surreptitious manner in which the *Virginus* had been sent out of the port; but the government was well prepared for any hostile demonstrations of the crowd, and it soon dispersed, without any serious event having transpired.

The demonstration of last night may be attributed, in part at least, to an extra of the "*Diario de la Marina*" of yesterday, containing a protest against the message of the President and a letter from its New York correspondent, neither of which are intended to allay the irascibility of this excited population. I transmit copies herewith, and regret that I have not time to furnish translations also.

I further transmit a copy of a letter from the consul at Santiago de Cuba, accompanying a list of the names, ages, places of nativity, &c., of those of the crew of the *Virginus* who were executed on the 7th ultimo, and the names, ages, &c., of the survivors.

I also inclose the address of Captain-General Jovellar, calling upon the inhabitants to obey the laws and to oppose no resistance to the orders of the government of Spain respecting the surrender of the *Virginus* and the surviving prisoners.

I have, &c.,

HENRY C. HALL.

[Inclosure 1 in No. 19.]

UNITED STATES CONSULATE,
Santiago de Cuba, December 7, 1873.

SIR: I now give you all news of importance since Mr. Schmitt's last, per steamer of the 3d instant.

On the morning of the 4th instant, at about 2½ a. m., the Virginus prisoners, ninety-two in number, were put on board the Spanish gunboat Bazan, and sent with all possible dispatch to Cienfuegos, thence to Havana by rail.

Commander Braine had the governor's word that he should be informed of any change of the prisoners; but the governor did not inform either the commander or myself, until I called to ask him about their removal to the Moro. He then informed me that the prisoners had been sent to the Moro on account of the crowded state of the jail, and that they might have better quarters, and that he had ordered them to be sent to the Moro; but that he had received orders from the captain-general the same evening of their removal to send them at once to Havana, (which Commander Braine and myself did not believe.)

The governor pretended to tell us that when he had ordered the prisoners to be sent to the Moro he had not the remotest idea that they would be ordered to Havana; and Commander Braine, in his protest against their removal, gently hinted to his excellency that he hardly believed all the governor told him.

The commander of the French war-vessel called on the governor the day that these men were sent to the Moro to protest against the removal of a Frenchman, (one of the passengers.) The governor informed him that he would have his man sent back to the city and placed in hospital, in order that the commander might see him.

The next morning, when the French commander learned that the person in question had been sent with the others to Havana, he became greatly displeased.

The French vessel sailed this morning for Havana. The English ram Niobe same destination, 4th instant. The Juniata is cruising off this port since the 5th instant. She communicated with the Kansas (still in port) yesterday, the Kansas sending out a boat.

The Wyoming left on the 4th, at 9 a. m., for Key West. The excitement is gradually subsiding. Captain Reid, of the Kansas, Mr. Schmitt, and myself, called on the governor, requesting to call his attention to the scurrilous articles that have appeared in the "Bandera Española," directed against Mr. Schmitt since the Virginus was brought in here. He informed us that he had not seen any of the articles in question until it was brought to his notice by one of the interpreters yesterday just before our arrival. He seemed very indignant, and said he would have it stopped at once. Nothing appears in the issue of to-day.

I am, sir, &c.,

A. N. YOUNG,
United States Consul.

HENRY C. HALL, Esq.,
United States Consul-General, Havana.

[Inclosure 2 in No. 19.]

[See list of crew captured in dispatch No. 107, dated December 4, 1873, Santiago de Cuba.]

The remainder of those on board were sent to jail on the 4th, and thence by the Bazan, on the same night, to Cienfuegos, and thence by rail to Havana—ninety-two of all nations; ten left at the hospital sick, who will also go to Havana as soon as recovered, making, all told, one hundred and two men.

[Inclosure 3 in No. 19.]

List of one hundred and two passengers captured on board the steamer Virginus by the Spanish war-steamer Tornado.

SHOT ON 4TH NOVEMBER, 1873.

Name.	Where from.	Married or single.	Age.	Occupation.
1. Bernabé Varona.....	Puerto Principe ..	Single	27	Proprietor.
2. Pedro Cespedes	Bayamo.....	Married	47	None.
3. Jesus del Sol.....	Cienfuegos.....	Single	38	Farmer.
4. W. A. C. Ryan.....	Canada	do	28	Lawyer.

List of one hundred and two passengers captured, &c.—Continued.

SHOT ON 8TH NOVEMBER.

Name.	Where from.	Married or single.	Age.	Occupation.
5. Arthur Mola	Puerto Principe ..	Single	19	Agriculturist.
6. Francisco de Porras	Havana	do	19	Cabinet-maker.
7. Louis Sanchez, (recognized to be Herminio Quesada.)	Porto Principe	do	18	Student.
8. Joseph Boitel	Cardenas	do	26	Agriculturist.
9. Augustin Varona	Puerto Principe ..	do	28	None.
10. Salvador Pinedo	Nuevitas	do	23	Merchant.
11. Henry Castellano	Güines	do	29	App. machinist.
12. José Otero	Havana	do	27	Sugar-maker.
13. Francisco Rivera, (recognized as Augustin Santa Rosa.)	do	do	42	Cigar-maker.
14. Oscar Varona	Puerto Principe ..	do	19	Student.
15. Justo Consuegra	Santa Clara	do	21	Cigar-maker.
16. William Valls	Puerto Principe ..	do	25	Commerce.

SURVIVORS.

17. Joseph Diaz	S. P. de los Banos ..	Married	29	Farmer.
18. Juan Herrero	Havana	Single	19	Cigar-maker.
19. Alfred Lopez	S. de las Vegas	do	34	Do.
20. José Ignacio Lamas	Matanzas	do	23	Engineer.
21. Andres Acosta	Güines	do	24	Mechanic.
22. Francisco Costello	Regla	do	21	Student.
23. Benjamin Olazala	Puerto Principe ..	do	17	Engineer.
24. José Madeo	Havana	do	24	Cigar-maker.
25. Ramon Pardos	Jamaica	do	32	Cook.
26. Francisco Gonzalez	Havana	do	33	Student.
27. Joseph Pelaez	Malaga	do	15	Do.
28. Leonard Alvarez	Santiago de Cuba ..	do	16	Silversmith.
29. Julio Arango	Puerto Principe ..	do	16	None.
30. José Hernandez	Havana	do	20	Merchant.
31. Nicolas Ramirez	Puerto Principe ..	do	23	Farmer.
32. Ignacio Quintin Beltran	Andalga	do	35	Clerk.
33. Perfecto Bello	Havana	Married	24	Actor.
34. Benoit Globes	France	Single	34	Cook.
35. Nicolas Ruiz	Matanzas	do	26	Cigar-maker.
36. Juan Alvarado	Havana	do	34	Do.
37. Andres Villa	do	do	24	Do.
38. Ricardo Tuijillo	Cienfuegos	do	20	Student.
39. Ramon Calvo	Havana	do	40	None.
40. Selverio Sales	Colon	do	26	Mason.
41. Rafael Pacheco	Havana	do	39	Cigar-maker.
42. Alexander Calvo	do	do	39	Commerce.
43. Canuto Guerra	Melena	do	22	Cigar-maker.
44. Canuto Sans	Havana	do	25	Mason.
45. Leon Bernal	Puerto Principe ..	Single	25	Agriculturist.
46. Emilio Garcia	Cardenas	do	20	Carpenter.
47. Gil Montes	Güines	do	23	Cigar-maker.
48. Rafael Cabrera	Havana	do	20	None.
49. Amador Rosillo	Bayamo	do	18	Farmer.
50. Ignacio or Francisco Tapia	Havana	do	24	Commerce.
51. Manuel Silverio	Bayamo	do	18	Do.
52. Santiago Rivera	St. Thomas	do	17	Trimmings.
53. Anto. Gomez	Havana	do	39	Cigar-maker.
54. Andrew Eschevarria	Holguin	Married	24	Agriculturist.
55. José Marin	Havana	Single	24	Carpenter.
56. Luis Martinez	Cuba	do	13	Baker.
57. Domingo Salazar	Havana	Widower ..	27	Cigar-maker.
58. Pedro Pajarin	Cardenas	Single	26	Do.
59. Manuel Padron	Havana	do	17	Do.
60. Alexd. Cruz Estrada	Canaries	do	20	Blacksmith.
61. Juan Soto	Havana	Married ..	28	Merchant.
62. Felix Fernandez	do	Single	29	Commerce.
63. Manuel Perez	do	do	29	Cigar-maker.
64. José Antonio Ramos	do	do	18	Do.
65. Ramon Barrero	do	do	19	Do.
66. Ignacio Valdez	do	do	23	Commerce.
67. Luis Morejon	Matanzas	do	16	Silversmith.
68. José Santiesleban	Cobre	do	30	Carpenter.
69. Francisco Pacheco	Hayti	do	15	Tinsmith.
70. Evaristo Lunsunegui	Havana	do	17	Commerce.
71. Ramon Gonzales	Matanzas	do	18	Cigar-maker.
72. Antonio Chacon	Havana	do	30	Do.

List of one hundred and two passengers captured, &c.—Continued.

SURVIVORS—Continued.

Name.	Where from.	Married or single.	Age.	Occupation.
73. Sereno Otere	Colon	do	17	Student.
74. Carlos Pacheco	Havana	Married	34	Cigar-maker.
75. Antonio Padillo	Puerto Principe	Single	27	Machinist.
76. Henry Canals	Penar del Rio	do	22	Commerce.
77. Indelsio Turzillio	Güines	do	21	Tanner.
78. Domingo Diaz	Trinidad	do	23	Student.
79. Pedro Sariol	Havana	do	21	Cigar-maker.
80. Pedro Saez	do	Widower	23	Student.
81. Miguel Sayers	Santiago de Cuba	Single	18	Farmer.
82. Severo Mendive	Regia	do	20	Student.
83. Patricio Martinez	Havana	do	18	None.
84. Henry Alaya	do	do	29	Commerce.
85. Manuel Saumell	Manzanillo	do	13	None.
86. Domingo Rodriguez	Havana	do	30	Cigar-maker.
87. Luis Revollo	Trinidad	do	19	Commerce.
88. Antonio Rivera	Porto Rico	do	20	Machinist.
89. Carlos Marin	Havana	do	24	Student.
90. Ramon R. de Armas	Puerto Principe	do	25	Commerce.
91. Manuel Meneses	Philadelphia	do	28	Dentist.
92. Philip Mertzler	Charleston	do	21	Cigar-maker.
93. William Curtis	Jamaica	do	22	Tinsmith.
94. Samuel Hale	do	do	15	None.
95. Samuel Gray	Harrisburgh	do	31	Carpenter.
96. Sidney Robertson	Jamaica	do	20	Saddler.
97. George Winters	do	do	17	Shoemaker.
98. William Marshall	do	do	13	Apprentice.
99. Ehen Pinto	do	do	15	Cigar-maker.
100. George Brooke	do	do	13	App. painter.
101. Carlos Gonzalez	Matanzas	do	22	Cigar-maker.
102. Leopold Rizo	Havana	do	25	Lawyer.
103. One man, name unknown, said to have	escaped by jumping	overboard in	port.	

RECAPITULATION.

Total number of persons on board the <i>Virginus</i> at the time of her capture	155
Total of crew	52
Total of passengers	103
	155
Number of passengers executed on November 4, 1873	4
Number of passengers executed on November 8	12
Number of crew executed on November 13	37
Total number executed	53
Total of survivors of the crew	15
Total survivors of passengers	87
	155

[Inclosure 4 in No. 19.—Translation.]

Inhabitants of the Island of Cuba :

I have again to direct you my voice and in troublous times. Hear it, for it is the expression of the purest patriotism guarded by reflection.

You already know that an agreement has been celebrated between the government of Spain and that of the United States, in regard to a question of international law. Whilst it was in process of negotiation, it is needless to tell you that I did everything possible for me to do to favor the result most satisfactory for the honor and general interests of the island. You would assuredly suppose so, for I could not be wanting to the requirements of my charge nor to the favor of your confidence. But from the moment that the solution of the difference between the two governments was settled, the duty of authority, my unavoidable duty, which like all others I desire to fulfill, however painful it may be to me, is to execute faithfully what has been decreed. For this I have received decided orders. Want of compliance therewith would bring on war, war with a great power and war without the aid of Spain, to-day more than ever torn by fratricidal and intestine strife. Wherefore indicate to you the fatal con-

sequences of such an event? To again illustrate, in an unequal contest, the history of the Spanish people, would not save from imminent peril the integrity of the country, nor the immediate bombardment of the towns of our coast.

The situation we are now in is not new for us, nor would it be for any of the greatest empires, for all nations have had their day of adverse as well as prosperous fortune. True patriotism consists not in increasing public misfortunes, although impelled thereto by generous motives.

During the course of these lamentable events you have offered a high example of prudence. Not for a single instant has the tranquillity of the island been disturbed at any point. Continue thus to the end, however painful it may be for you to repress the ardor of your sentiments.

Let us trust that ulterior negotiations, followed in view of the original documents, which up to this it has not been able to present, and of communications more explicit than telegraphic, the only ones from which comes the agreement, will offer an occasion to balance justice and proceed to the rectification that the case demands.

Meantime, in obeying the law of necessity and the orders of the government of the Spanish republic, let us return, with her surviving crew, the steamer *Virginus*, which had already conducted, and was about again to conduct, munitions of war and officers and men to the camps of our enemies.

Let the people understand the extent of their duty; let not agitation diminish their dignity nor lessen the greatness of the sacrifice. Let us leave the entire facts to the impartial judgment of history.

Knowing you, I have beforehand guaranteed for the profound respect professed to the principal of the authority in this Spanish province. I depend upon the nobility of your actions to comply with my word.

Your governor and captain-general,

JOAQUIN JOVELLAR.

HAVANA, December 11, 1873.

No. 739.

Mr. Young to Mr. Fish.

No. 109.]

UNITED STATES CONSULATE,

Santiago de Cuba, Dec. 18, 1873. (Received December 30.)

SIR: I have the honor to transmit herewith a complete list of the persons taken from on board the United States merchant-steamer *Virginus*. I was present on board of the United States steamer *Juniata*, at the solicitation of Commander D. S. Braine, when the remaining prisoners were delivered on board this morning. Those checked are the persons delivered, and those not checked are the names of those shot. I improve this opportunity to send this direct, as the *Juniata* leaves this port for New York at 5 p. m. to-day.

N. A. YOUNG.

[Inclosure.]

List of one hundred and fifty-five people captured on board the American steamer Virginus by the Spanish steamer Tornado, brought to the port of Santiago de Cuba, and turned over to the authorities.

Name.	Where from.	Married or single.	Age.	Occupation.
1. Joseph Fry.....	United States.....	Married	47	Captain merchant-vessel.
2. William Baynard.....	do	Single	37	Mate merchant-vessel.
3. James Floody	England	Married	25	Do.
4. T. C. Harris	United States.....	do	45	Miner.
5. John N. Boza	Puerto Principe ..	do	37	Farmer.
6. B. P. Chamberlain.....	New York	Single	27	Engineer.
7. Francisco Sotero Frujillo.....	Bayamo	do	37	Do.
8. Edward Day	New York.....	Married	32	Do.
9. Porfirio Corbison.....	Santiago de Cuba ..	Single	26	Commerce.
10. John Williamson.....	United States.....	do	35	Oiler.

List of 155 people captured on board the American steamer Virginus, &c.—Continued.

Name.	Where from.	Married or single.	Age.	Occupation.
11. Peter Alfaro	Havana	Single	26	Purser's clerk.
12. Thomas Grigg	Barbadoes	do	30	Mariner.
13. Frank Good	Jamaica	Married	37	Do.
14. Paul Rhuner	Ireland	Single	40	Fireman.
15. Barney Herrals	England	do	28	Do.
16. James Samuel	do	do	20	Mariner.
17. Henry Frank	Barbadoes	do	21	Coal-heaver.
18. James Read	Africa	do	40	Fireman.
19. Samuel Card	Nassau	Married	24	Mariner.
20. John Brown	United States	Single	22	Do.
21. Alfred Hosel	England	do	22	Do.
22. Walles Fied Price	do	do	20	Do.
23. George Thomas	Jamaica	do	22	Do.
24. Thomas M. Williams	England	Married	26	Fireman.
25. Ezequiel Dunham	Canary Island	Single	27	Mariner.
26. Simon Brown	Nassau	do	29	Waiter.
27. Leopold Thomas La Rose	United States	do	18	Cabin-boy.
28. Alonzo Arcey	Trinidad	Married	38	Farmer.
29. William Rose	Scotland	Single	23	Mariner.
30. John Stewart	Sta. Martha, Vene- zuela.	do	29	Do.
31. Henry M. Bond	England	Married	45	Do.
32. George Thompson	do	do	36	Do.
33. Ignacio Dueñas	Barranquilla, Colo	Single	27	Cook.
34. Antonio Deloyo	Bolivia	Widower	30	Mariner.
35. Jos. Man Ferran	Jamaica	Single	22	Cook.
36. Ramon Larramendi	Bayamo	do	27	Farmer.
37. Eusebio Gariza	Barranquilla, Colo	do	22	Do.
38. Bernabé Varona	Puerto Principe	do	27	Proprietor.
39. Pedro Cespedes	Bayamo	Married	47	No occupation.
40. Arthur Mola	Puerto Principe	Single	19	Agriculturist.
41. Francisco de Pomas	Havana	do	19	Cabinet-maker.
42. Luis Sanchez, (his real name, Her- minio Quesada.)	Puerto Principe	do	18	Student.
43. Joseph Boitel	Cardenas	do	26	Agriculturist.
44. Augustin Varona	Puerto Principe	do	28	No occupation.
45. Salvador Penedo	Neuvitas	do	23	Merchant.
46. Henry Castellano	Güines	do	29	App. machinist.
47. Jesus del Sol	Cienfuegos	do	38	Farmer.
48. José Otero	Havana	do	27	Cigar-maker.
49. Francisco Rivera, (his real name, Augustin Sta. Rosa.)	do	do	40	Do.
50. Oscar Varona	Puerto Principe	do	19	Student.
51. Justo Consuegra	Sta. Clara, Cuba	do	25	Merchant.
52. William Valls	Puerto Principe	do	25	Commerce.
53. W. A. C. Ryan	Canada	do	28	Lawyer.
54. Charles Knight	England	Married	21	Engineer.
55. Henry King	United States	Single	27	Do.
56. William Wilson	Canada	do	24	Mariner.
57. Thomas Lindgly	Jamaica	do	18	Do.
58. Charles Debrosse	do	do	18	Printer.
59. William Danton	do	do	17	Tailor.
60. John Pothremonth	do	do	17	Tinsmith.
61. Edward Scott	Jamaica, U. S.	do	16	Do.
62. John Freemont	Curacao	Married	16	Mariner.
63. Nicolas Cardozo	Colombia	Single	14	Waiter.
64. José del Espiritu Santo	Jamaica	do	16	Cook.
65. Alfred Parker	United States	Married	31	Mariner.
66. Henry Knight	New York	Single	16	No profession.
67. Philip Marty	Curacao	do	20	Engineer.
68. Antonio Constantine			14	On board Spanish gunboat Cuba, Española.
69. Joseph Daiz	San Juan de los Baños.	Married	29	Farmer.
70. Juan Herrero	Havana	Single	34	Cigar-maker.
71. Alfred Lopez	Santiago de las Vegas.	do	19	Do.
72. José Igno. Lamas	Matanzas	do	23	Engineer.
73. Andrew Acosta	Güines	do	24	Mechanic.
74. Francisco Castello	Regla	do	21	Student.
75. Benjamin Olazaga	Puerto Principe	do	17	Engineer.
76. José Madeo	Havana	do	24	Cigar-maker.
77. Ramon Pardos	Jamaica	do	32	Cook.
78. Francisco Gonzalez	Havana	do	33	Student.
79. Joseph Pelaez	Malaga	do	15	Do.
80. Leonardo Alvarez	Santiago de Cuba	do	16	Silversmith.
81. Julio Arango	Puerto Principe	do	16	No profession.
82. José Hernandez	Havana	do	20	Merchant.
83. Nicolas Ramirez	Puerto Principe	do	23	Farmer.
84. Ingo. Quintin Beltran	Andalgo	do	35	Clerk.
85. Prefecto Bello	Havana	Married	24	Actor.

List of 155 people captured on board the American steamer *Virginus*, &c.—Continued.

Name.	Where from.	Married or single.	Age.	Occupation.
86. Benoit Globes	France	Single	34	Cook.
87. Nicolas Ruiz	Matanzas	do	26	Cigar-maker.
88. Juan Alvarado	Havana	do	34	Do.
89. Andrew Villa	do	do	24	Do.
90. Ricardo Frujillo	Cienfuegos	do	20	Student.
91. Ramon Calvo	Havana	do	40	No profession.
92. Silverio Sales	Colon	do	26	Mason.
93. Rafael Pacheco	Havana	do	39	Cigar-maker.
94. Alexander Calvo	do	do	39	Commerce.
95. Canuto Guerra	Melena, Cuba	do	22	Cigar-maker.
96. Canuto Sauz	Havana	do	25	Mason.
97. Leon Bernal	Puerto Principe	do	25	Agriculturist.
98. Emilio Garcia	Cardenas	do	20	Carpenter.
99. Gil Montes	Güines	do	23	Cigar-maker.
100. Rafael Cabrera	Havana	do	20	No profession.
101. Amador Rosillo	Bayamo	do	18	Farmer.
102. Ingo. Francisco W. Tapia	Havana	do	24	Commerce.
103. Manuel Silveria	Bayamo	do	18	Do.
104. Santiago Rivera	St. Thomas	do	17	Trimmings.
105. Antonio Gomez	Havana	do	39	Cigar-maker.
106. Andrew Echerarria	Holquin	Married	24	Agriculturist.
107. José Marin	Havana	Single	24	Carpenter.
108. Luis Martínez	Cuba	do	13	Baker.
109. Domingo Salazar	Havana	Widower	27	Cigar-maker.
110. Pedro Pajarin	Cardenas	Single	26	Do.
111. Manuel Padron	Havana	do	17	Do.
112. Alexander Cruz Estrada	Canary Island	do	20	Blacksmith.
113. Juan Soto	Havana	Married	28	Mechanic.
114. Felix Fernandez	do	Single	29	Commerce.
115. Manuel Perez	do	Widower	29	Cigar-maker.
116. José Anto. Ramos	do	Single	18	Do.
117. Ramon Barrero	do	do	19	Do.
118. Ignacio Valdes	do	do	23	Commerce.
119. Luis Morejon	Matanzas	do	16	Silversmith.
120. José Santiesteban	Cobre	do	30	Carpenter.
121. Francisco Pacheco	Porto Rico	do	15	Tinsmith.
122. Evaristo Sunsnegeri	Havana	do	17	Student.
123. Ramon Gonzalez	Matanzas	do	18	Commerce.
124. Antonio Chacon	Havana	do	30	Cigar-maker.
125. Siereno Otero	Colon	do	17	Student.
126. Carlos Pacheco	Havana	Married	34	Cigar-maker.
127. Antonio Padilla	Puerto Principe	Single	27	Machinist.
128. Henry Canals	Pinal del Rio, Isle de Pino.	do	22	Commerce.
129. Indalecio Prujillo	Güines	do	21	Farmer.
130. Domingo Diaz	Trinidad	do	23	Student.
131. Pedro Sariol	Havana	do	21	Cigar-maker.
132. Pedro Saez	do	Widower	23	Student.
133. Miquel Sayers	Santiago de Cuba	Single	18	Farmer.
134. Severo Mendiye	Regla, Cuba	do	20	Student.
135. Patricio Martinez	Havana	do	18	No profession.
136. Henry Alaya	do	do	29	Commerce.
137. Manuel Saumell	Manzanillo	do	13	No profession.
138. Domingo Rodrigues	Havana	do	30	Cigar-maker.
139. Luis Rebollo	Trinidad	do	19	Commerce.
140. Antonio Rivera	Porto Rico	do	20	Machinist.
141. Carlos Marin	Havana	do	24	Student.
142. Ramon R. de Armas	Puerto Principe	do	25	Commerce.
143. Manuel Menesses	Philadelphia	do	28	Surgeon-dentist.
144. Philip Meitzler	Charleston	do	21	Cigar-maker.
145. William Curtis	Jamaica	do	22	Tinsmith.
146. Samuel Hale	do	do	15	No occupation.
147. Samuel Gray	Harrisburgh	do	21	Carpenter.
148. Sidney Robertson	Jamaica	do	20	Saddler.
149. George Winters	do	do	17	Shoemaker.
150. William Marshall	do	do	13	Apprentice.
151. Even Pinto	do	do	15	Cigar-maker.
152. George Burke	do	do	13	Apprent'e painter.
153. Carlos Gonzalez	Matanzas	do	22	Cigar-maker.
154. Leopold Rizo	Havana	do	25	Lawyer.
155. José Rudesindo	Barranquilla, Colo	do	25	Cook.

The one hundred and two names checked were delivered on board the United States steamer *Juniata*, Commander D. S. Braine commanding, this 18th December, 1873, in my presence.

A. N. YOUNG,
Consul United States America at Santiago de Cuba.

[The names checked in the MS. are those which are numbered from 54 to 155, inclusive in the above list.]

No. 740.

Mr. Hall to Mr. Davis.

No. 21.]

UNITED STATES CONSULATE-GENERAL,
Havana, December 20, 1873.

SIR: With reference to the case of the *Virginus* and the prisoners at Santiago de Cuba, I have to inform the Department that on the 18th instant I transmitted the following telegram from Rear-Admiral Scott, commanding North Atlantic fleet, at Key West, to the commanding officer of the United States naval forces at Santiago de Cuba:

KEY WEST, *December 18, 1873.*To HALL, *Consul-General*:

You will please forward this with all dispatch:

"KEY WEST, *December 18, 1873.*

"To the commanding officer of the United States naval forces at Santiago de Cuba:

"You will notify the authorities of the place that the conditions have been reached in which, according to the protocol of November 29, between the Secretary of State and the Spanish minister, the salute to the flag of the United States will be spontaneously dispensed with by the Government of the United States, and that the ceremony of the salute is therefore no longer required under the agreement in pursuance of said protocol.

"G. H. SCOTT,

"Rear-Admiral, Commanding U. S. Naval Forces, North Atlantic Station."

On the 19th I was informed by the captain-general that the *Virginus* prisoners were delivered on the 18th instant to the United States steamer *Juniata*, and immediately advised the Department as follows:

The captain-general informs me that the *Virginus* prisoners were delivered yesterday to the commander of the *Juniata*.

Subsequently the following telegram from Commander Braine, of the *Juniata*, came to hand, and was transmitted, as directed, to the Secretary of the Navy:

HAVANA, *December 19.*To the SECRETARY OF THE NAVY, *Washington*:

Commander Braine telegraphs you as follows:

"SANTIAGO DE CUBA, *December 18.*

"The prisoners of the *Virginus* have been delivered to-day, December 18. I shall sail to-day for New York. The *Kansas* and *Canandaigua* are here waiting orders.

"D. L. BRAINE,

"Commander."

I have, &c.,

HENRY C. HALL.

IV.—MISCELLANEOUS CORRESPONDENCE.

No. 741.

[Original handed to the Secretary of State by the Secretary of the Navy, December 2, 1873.]

Commander Cushing to Mr. Robeson.

UNITED STATES CONSULATE,

Santiago de Cuba, November 16, 1873. (Received December 2.)

SIR: As a steamer is unexpectedly about to leave here for Havana in an hour's time, I write this at the consulate, as I have not time to go off to the ship and do so. I left Aspinwall on the morning of the 11th

instant, in consequence of urgent telegrams from the United States vice-consul in Santiago. He represented the urgent need of a man-of-war, and had received no answers to his dispatches to the consul-general in Havana. He described the shooting of the captain and a large portion of the crew of the *Virginus*, and said that more American lives were in immediate peril. I deemed it my duty, therefore, to take the responsibility of coming here.

The trial took place before a drum-head court-martial, ordered by the commanding general of this department, and fifty-three men were summarily shot.

There are more in prison who are subject to the same fate if tried. Our vice-consul was treated with great disrespect by the Spanish general when he made his protest. I inclose herewith a copy of letter that I have to-day sent to the commanding general. I will send all correspondence by the next opportunity. The court-martial and shooting were authorized on the sole responsibility of the general to whom I have written. The British steamer *Niobe* is here, and has demanded that none of the British citizens that are imprisoned shall be executed until the whole matter is investigated by the higher powers. I shall await the orders of the Department, and protect American citizens in the best manner that is possible. I do not think that any more of the *Virginus*' crew will be executed at present, or that the court-martial will try them until orders are received from Havana. I will write by the regular steamer leaving two days hence, and give a detailed account of matters here, and my full reasons for coming, inclosing the telegrams received at Aspinwall that induced me to leave there. Our vice-consul here sorely needed backing, and has sent complaints to the consul-general at Havana regarding the insulting letters and personal behavior of the general who commands this district, in answer to his proper official protests against the barbarous order of the general to treat the crew of the *Virginus* as pirates. When this matter is over we can return to Aspinwall, as we left some important matters there unsettled.

I am, &c.,

W. B. CUSHING.

[Inclosure.]

Commander Cushing to General Burriel.

UNITED STATES STEAMER WYOMING,
Santiago de Cuba, November 16, 1873.

SIR: I have the honor to address you this communication regarding the capture on the high seas of the United States merchant-steamer *Virginus*, and the events succeeding such capture. From an inspection of the official books at the United States consulate at Kingston, Jamaica, I find that the *Virginus* cleared from that port for Port Limon on the 3d day of October, 1873. Her sailing-papers, including register and all necessary documents coming under the supervision of the United States consulate, were all certified by the proper authorities. She sailed in ballast, but took out sixty-four haversacks. On the 31st day of October this vessel was pursued and captured something like seventy miles from Cuba.

The *Virginus* has now been sent to Havana to the jurisdiction of the court of admiralty. The question of the lawfulness of this capture on the high seas and out of the jurisdiction of Cuban or Spanish authority is one to be decided, first, by the courts of the captor, after which, if which, (*sic*) if the decision is not in conformity with the accepted customs and laws of nations, the United States Government may reclaim the vessel. The rule of international law in such a case is as follows: "The jurisdiction of the court of the capturing nation is conclusive upon the question of property in the captured thing; its sentence forecloses all controversy respecting the validity of the capture, as between claimants and captor and those claiming under them, and

terminates all ordinary judicial inquiry upon the subject-matter. But where the responsibility of the captor ceases, that of the state begins. It is responsible to other states for the acts of the captors under its commission, the moment these acts are confirmed by the definite sentence of the tribunals which it has appointed to determine the validity of captures in war." I therefore content myself with making protest, on behalf of the nation that I represent, and shall leave that subject to the determination of the laws that are sure to follow it and reach it. In reading the correspondence between your excellency and the consul of the United States in regard to this matter, I see that your excellency repeatedly terms the *Virginus* a pirate. I must respectfully insist that the *Virginus* was in no sense a pirate. The definition of the word pirate in standard works on international law, and by the general agreement of civilized nations from ancient to modern times, is, that of a vessel committing the offense of depredating on the high seas without being authorized by any sovereign state. "Pirates being the common enemies of all mankind," such a vessel may be captured on the high seas by the armed vessels of any nation, and taken into port for trial under the jurisdiction of its tribunals. Piracy, under the law of nations, may be tried and punished by the courts of justice of any nation, by whomsoever or wheresoever committed; but piracy created by municipal statute can only be tried by that state within whose territorial jurisdiction and on board of whose vessels it was committed." So far from being a pirate, as defined by international law, the *Virginus*, if offending at all, was simply a neutral vessel carrying contraband of war, "a blockade-runner," or at most a smuggler. She was unarmed, and was lawfully furnished with sea-papers, entitling her to navigate the high seas in safety from all men. If attempting to enter a port that was closed by proper authority, and so watched by armed vessels of the state approached that it in fact became a blockaded port, a vessel of a neutral country might, under the laws and agreement of nations, attempt to carry in arms and any contraband of war, subject only to the penalty of capture in transit and confiscation of ship and cargo. No other punishment is permitted by the universal law of nations, to which each individual state must consent. A sovereign state, through its commissioned agents, violating or exceeding such laws, brings itself not only into serious complications with the nation whose flag and authority the captured vessel bore on the high seas, but it also comes directly in hostile contact with the agreed laws and customs of all civilized nations.

Such, I do not hesitate to affirm respectfully to your excellency, is the basis upon which I question the summary trial, conviction, and execution of the captain of the *Virginus* and all citizens of the United States of America who belonged to his crew. In the eye of the nations of the earth and their well-defined laws, sanctioned by the tests and trials of centuries, such trial and execution is simply murder. I earnestly protest in the name of my country against what has been done, nothing doubting but that the Government of the United States will know how and when to protect its honor. I solemnly protest against the imprisonment or other punishment of any of the living members of the crew or passengers who are either born or naturalized citizens of the United States. I request your excellency earnestly to cease these executions, which must lead to most serious complications. I shall send a copy of this letter to my Government at my earliest convenience, and I respectfully request you to send a copy to his excellency the captain-general at Havana.

Very respectfully, &c.,

W. B. CUSHING.

No. 742.

Mr. Fish to Mr. Bliss.

DEPARTMENT OF STATE,
Washington, November 23, 1873.

SIR: At half past three o'clock this afternoon the Spanish minister hands me a notice of which the inclosed is a copy.

I have not time to take the President's instructions with respect to it and to communicate them to you by this evening's mail. I therefore inclose the notice, that if it be deemed advisable that any person appear on behalf of this Government you may know at the earliest moment, and may make such inquiry as you shall deem necessary or proper, to cross-examine the witness, &c.

I will telegraph you in the morning whether the President wishes you to be present.

I had written to the collector of the port for information respecting the *Virginus* yesterday ; possibly he may have some information that may be important in the event of the Government taking part in this examination.

I write in great haste.

Very respectfully, &c.,

HAMILTON FISH.

No. 743.

Mr. Fish to Mr. Bliss.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 24, 1873.

The President desires the examination mentioned in my letter of yesterday to be attended on the part of the Government, and the facts of the case to be fairly and fully ascertained. He wishes no delay interposed ; but if you think it necessary for the full ascertainment of the facts, you will continue or adjourn the examination.

HAMILTON FISH,
Secretary of State.

No. 744.

Mr. Fish to Mr. Bliss.

DEPARTMENT OF STATE,
Washington, November 24, 1873.

SIR : I inclose herewith a copy of the deposition of F. E. Shepperd, former master of the steamer *Virginus*, taken before Commissioner Joseph Gutman, jr., in May, 1872, in relation to that vessel, and also copies of affidavits of Thomas Anderson and George Miller, seamen on the *Virginus* at the time Captain Shepperd was master.

It is possible you may find a reference to the statements made by these witnesses of some advantage to you in the cross-examination of the witnesses now about to be examined on questions connected with the *Virginus*.

I have to request that you will return the inclosed papers to this Department. As there is no other copy in the Department, it is quite important these should be preserved for its files.

I am, &c.,

HAMILTON FISH.

SOUTHERN DISTRICT OF NEW YORK, ss :

Francis E. Shepperd, being duly sworn, deposes and says :

First. That he is a resident of Warrenton, in the State of Virginia, and was master of the steamer *Virginus* from the first week in September, 1870, to the 12th day of November in that year, when he left the said steamer at Puerto Cabello, in Venezuela.

Second. That he has read the affidavits of Thomas Anderson and George W. Miller, annexed to this his deposition, and that the same are true, except that portion in which the deponents state what happened in the cabin of the said steamer *Virginus* after taking on board the cargo of the *Billy Butts*. The amount of money referred to in the said depositions, as placed in the hands of this deponent for the crew, was \$300 in gold, and a draft on Domingo Ruiz, of New York, by Emanuel Quesada, for the sum of \$2,000. In other particulars the said depositions are true.

Third. That this deponent was employed by I. K. Roberts, of the city of New York, in the month of September, 1870, to navigate and command the said steamer *Virgin*, alias *Virginus*, from the navy-yard at Washington, in the District of Columbia, to the port of New York, which service he rendered during that month; that this deponent was afterward informed by the said Roberts that he had purchased the said steamer from the United States Government, as agent of certain Cubans, among whom he named José A. Mora, of the city of New York, and the aforesaid General Quesada; that the said Cubans, including the said Mora and Quesada, furnished the money for the purchase of the said steamer, and also to pay for the repairs and supplies which were subsequently put thereon; that the said Mora subsequently exhibited to this deponent receipts signed by the aforesaid Roberts, or one J. F. Patterson, for the said purchase-money and disbursements aforesaid.

Fourth. That the aforesaid steamer, thus purchased by Roberts as the agent of the said Mora, Quesada, and others, was formally placed in the name of the said J. F. Patterson, and so registered in the custom-house at New York.

Fifth. That about two weeks after the arrival of the said steamer in the harbor of New York from the navy-yard at Washington, the said Roberts informed this deponent that the said steamer was owned by the aforesaid Mora and Quesada with other Cubans, and that she was about to embark in the business of running the Cuban blockade, and other things in behalf of the Cubans, and the said Roberts asked this deponent if he would be willing to take command of her in such business; that this deponent then inquired of the said Roberts particularly in regard to the precise character of the business in which she was about to engage, and was told that he, the said Roberts, would introduce this deponent to the said Mora and Quesada, which he did on that night.

Sixth. That this deponent thereupon, on that evening, had an interview at the house of the aforesaid Mora, in the city of New York, with the aforesaid Mora, Quesada, Roberts, and Patterson, and a number of other Cubans who were present; that, at said interview, the said Quesada and Mora fully admitted their ownership of the said steamer, and finally an agreement was entered into, by which this deponent was to retain the command of the ship under the directions of the said Quesada; that at said interview the said Mora and Quesada first suggested that the said steamer should proceed in ballast from New York to Fernandina, in the State of Florida, there take on board the said Quesada, his military staff, and a small quantity of arms, proceed thence to Laguayra, Venezuela, subsequently taking on board more arms and munitions of war; that at Puerto Cabello soldiers were to be taken on board and conveyed to the island of Cuba in aid of the insurrection. But at the suggestion of this deponent the voyage was changed so that no landing would be made at Fernandina, but the vessel proceed direct to the island of Curaçoa.

Seventh. That this deponent further states that at the aforesaid interview at the said Mora's house, and subsequently in the city of New York before the departure of the said steamer on her voyage, the said Mora, in speaking to this deponent in regard to inducements for his undertaking the risk of the voyage, stated that doubtless there would be opportunities for this deponent to make a good deal more than the sum agreed upon for his compensation through the possibility of his being able to capture and confiscate the cargoes of any Spanish merchant-vessels that he might fall in with on the cruise. This possibility was more than once referred to by the said Mora in speaking to this deponent; and this deponent did, at that time, understand and believe that it was among the purposes of the said Mora and the said Quesada to use the said steamer to capture or destroy Spanish merchant-vessels on the high seas.

Eighth. That the said steamer departed from the port of New York, as is set forth in the aforesaid affidavits of Anderson and Miller, took on board the aforesaid Quesada and his party, as therein described, and proceeded to the island of Curaçoa, and arrived there at the time stated in the aforesaid affidavits; that when not far from the island of Hayti, the said steamer came near a sailing-vessel, the nationality and character of which could not at first be discovered. Soon after said vessel was seen, General Quesada, through his interpreter, Dr. Varona, suggested to this deponent the propriety of capturing the said vessel, should she turn out to be a Spaniard; that this deponent only formally objected to the proceedings, stating that in order to do so the said Quesada with his party would have to appear to have taken forcible possession of the ship by putting this deponent and the first officer in irons, which plan was agreed upon; but it turned out that the vessel in sight was English and not Spanish.

Ninth. That this deponent left the said steamer at Porto Cabello on or about the

middle of November, and within two months thereafter arrived in the city of New York, where he had an interview with the aforesaid Patterson and Mora; that at such interview the said Patterson complained to said deponent that he, as captain of the said steamer, had not taken advantage of the formal paper-title of the said Patterson and brought the steamer to New York; that this deponent represented to the said Mora the complaint of the aforesaid Patterson, and thereupon the said Mora denied that the said Patterson had any real ownership in the steamer, and exhibited to this deponent receipts for the purchase-money thereof, and for the supplies and repairs put thereon in the port of New York before her departure.

Tenth. That this deponent did not regard the *Virginus* as a cruiser or privateer, though it was suggested to this deponent by the said Quesada, as before stated, to use her to capture Spanish merchant-vessels should she fall in with any, but that the principal object of her service, and for which this deponent was employed, was to land troops and arms on the island of Cuba.

Eleventh. That this deponent cannot, at this late day, enumerate correctly or specify particularly the receipts referred to as shown him by the said José A. Mora, but from the conversation this deponent had with said Mora regarding the purchase-money and the disbursements of the said steamer, together with the receipts shown him by the said Mora, this deponent was informed, beyond a doubt in his mind, that the said steamer *Virginus* was the property of certain Cubans, together with and represented by the said Mora and the said Quesada and the said Manuel Ruiz, and that the said Mora informed this deponent that such was the case, and, moreover, explained to this deponent in part the manner in which the funds were raised for the purchase of said steamer and the disbursements of her voyage and enterprise.

The deponent having made the foregoing declaration, he was examined by H. E. Davies, jr., esq., assistant district attorney for the southern district of New York, who appeared in behalf of the Department of State of the United States at Washington, and deposed as follows:

The vessel called by me the *Virgin* and *Virginus* are identical, both referring to the same vessel. My first employment for this vessel came from Mr. Roberts, who is an American citizen. He told me he had a vessel at Washington which he wished me to bring to New York. These instructions were given me in New York. I then went to Washington for the vessel, and I found her at the navy-yard. Mr. Roberts accompanied me, and I went on board and took possession of her by virtue of consent obtained by him from the officers of the navy-yard. I shipped a temporary crew in the District of Columbia, and in a few days thereafter I sailed the vessel to New York. The vessel was not cleared at the custom-house at Washington, but left under a letter from the Treasury Department, she having been bought from the Government. On arriving at New York, I took her first to Hoboken, and a few days thereafter to the dry-dock on the East River in New York, in which she remained about two days; then took her to the Knickerbocker Ice Company's wharf, North River, where she lay until ready for sea. On reaching New York, I discharged all the crew that I shipped in the District of Columbia, except about three. The first knowledge I had of her registered ownership was on the day of taking out the papers at the custom-house, which was the day of sailing. One J. F. Patterson was there and there registered as her owner. I found him so registered. I know Mr. Patterson. He is an American citizen. Mr. Roberts did not mention the names of the parties who owned the vessel, but said to me previous to her departure from New York that she belonged to them, meaning certain Cubans, but that she would have to be in his name, as they, meaning certain Cubans, could not own an American vessel, and also to prevent interference on the part of the United States authorities. Mr. Roberts told me that the vessel was to be engaged in running the Cuban blockade, and in other things. He did not specify anything beside running the blockade. Mr. Mora intimated to me, while speaking to me about my pay, that in case I fell in with a Spanish merchant-vessel I would make a great deal more than what my pay itself would amount to. Mr. Mora was the person with whom I made my bargain and with whom I agreed upon the terms under which I would go. Mr. Roberts brought me to Mr. Mora. Mr. Mora gave me no instructions to look out for Spanish ships and capture them. I did not regard that as a thing I would do or as anything that I had been ordered to do by the owners of the vessel at the time of sailing. When we cleared from New York, that is, I mean, when we left the wharf, we had nothing on board but coal and provisions and about twenty empty tierces and three thousand feet of plank and scantling. I took on board General Quesada inside of Sandy Hook, with some eighteen or nineteen others. They came as passengers, intending to go to Curaçoa, that being the point to which the vessel was cleared. They had a small quantity of arms in five or six boxes, which contained pistols, ammunition, and a few rifles. We proceeded then direct to Curaçoa. General Quesada, while on board of the vessel, generally communicated with me through an interpreter. When Quesada proposed to me to capture a vessel, supposed to be a Spanish vessel, I objected. I declined to take any part in the proceeding. The steamer was not armed when she left New York; had no guns on board nor any equipments of war as a cruiser. She

was provisioned beyond what was necessary for her own crew and the passengers we took on board, I mean with respect to the staple articles, such as bread and meat. We had about 100 barrels of bread, I think, and about a dozen barrels of pork. We put these into the fore peak, separate from the ship's provisions. We reached Curaçoa about the 12th or 13th of October. While in that port we took on board nothing of a warlike character; did not add to our equipment in any way. When we took on board supplies from the Billy Butts, we took no ship's guns—no guns except the four brass howitzers mentioned in the annexed depositions. After getting these goods on board, the men demanded to know the object of the voyage. I consulted with Quesada, and then informed them that the ultimate object was to land men and arms on the island of Cuba. These were the only specified objects of the voyage. I told them we were going to Laguayra before reaching Cuba, and that they could be discharged there and sent home if they so wished. We first went to Laguayra after leaving Curaçoa, and there General Quesada and a portion of his staff left us. We then went to Porto Cabello, which is about fifty miles from Laguayra. About three weeks after arriving at Porto Cabello I resigned command and left the vessel. At the time of resigning I wrote a letter to the consul at that place, stating what is contained in the copy of a letter hereto annexed, marked A. The statements contained in that letter were all true. From Porto Cabello I returned to New York. Here I met Mr. Patterson, the owner of the vessel. He complained that I had not protected his rights in not bringing the vessel home to the United States. My reason for leaving the vessel was that it was intimated to me by General Quesada that she was to go into the Venezuelan service, and from the preparations ordered by him to be made such was clearly indicated. At Porto Cabello the voyage ended, Quesada insisting on a new enterprise, and one not contemplated by the owners or myself before we left New York, and the character of which Quesada refused to divulge to me. I therefore left the vessel and also the seamen, leaving on board the firemen and engineers.

F. E. SHEPPERD.

Subscribed and sworn to before me this 2d day of May, A. D. 1872.

JOSEPH GUTMAN, JR.,
United States Commissioner, Southern District of New York.

EXHIBIT A.—J. G., Jr.

PUERTO CABELLO, VENEZUELA,
December 9, 1870.

SIR: For your own satisfaction, as well as for the information of whom it may concern, I beg to state that during the time I commanded the steamer *Virginus* she violated no law or custom of commerce, and never exhibited any other than the American flag; that she cleared and entered regularly at each port, and, so far as I know, she is intended as nothing else than an ordinary merchant-vessel.

Yours, very respectfully,

F. E. SHEPPERD.

Dr. A. LACOMBE,
United States Consul, Puerto Cabello.

SOUTHERN DISTRICT OF NEW YORK, ss:

Thomas Anderson, being duly sworn, deposes and says:

1. That he is a seaman by profession, aged about thirty-two years.
2. That on the 3d of October, 1870, in the city of New York, he shipped as a seaman on board the steamship *Virgin*, and signed articles for a voyage to the coast of Florida, the Caribbean Sea, and the Gulf of Mexico; that Frank E. Shepperd was captain, and there were also on board two mates, a carpenter, four seamen, three engineers, two oilers, and fifteen firemen and coal-passers; the said ship left the port of New York on her voyage on the 4th day of October, 1870.
3. That, in the afternoon of that day, the steamer proceeded down the bay of New York, and when three or four miles outside, and abreast of Sandy Hook, met the steam-tug *Virginia Seymour*, and took therefrom eighteen passengers, whom this deponent judged, by their appearance, to be Cubans, together with General Quesada, Mr. Mora, and Eloy Camacho. There were also taken on board a few boxes, some of which this deponent saw open, containing ammunition, revolvers, military trumpets, and flags, and, after shipping the before-mentioned persons and things, the steam-tug *Seymour* left, taking with her the pilot of the *Virgin*, whom, as he was going on board the tug, this deponent heard the captain of the vessel tell not to say anything about it.

4. That, after the tug left, the Virgin proceeded on a course down the coast, and on Saturday, the 15th day of October, at 10 o'clock in the morning, reached Curaçoa Harbor, in the island of Curaçoa; that she lay in that harbor till the next Tuesday, when the schooner Billy Butts, from New York, arrived; that, about the middle of the next day, Wednesday, the schooner put out to sea again, and in the evening of the same day the steamer Virgin proceeded after her and took and kept the schooner in tow until the next morning, when they reached a small island called Buenayre, which lies about thirty miles to the southward and eastward of Curaçoa, where the cargo on board the schooner was transferred to the steamer.

5. This deponent saw the cargo transferred from the schooner to the steamer as aforesaid, and assisted therein, and he knows of his own knowledge that it consisted of about five hundred cases of shot, shell, and ammunition; over one hundred cases of arms; two or three dozen boxes of leather goods; a dozen or so of caps; about six carriages for guns; and six or eight boxes of hardware. There were also four brass cannon.

6. That, on the afternoon of the next Friday, the steamer having taken on board the cargo as before mentioned, proceeded to the port of Laguayra, on the northern coast of Venezuela, where she arrived at 9 o'clock in the morning of the next day, Saturday, the 22d of October.

7. After the cargo of the schooner Billy Butts had been taken on board, and the steamer was ready to proceed on her voyage, the seamen, engineers, and crew all collected on deck, amidships, and demanded of the captain, who was standing on the bridge above, where they were going. He answered, "To Laguayra." The crew then demanded a guarantee of some kind that the steamer was going to Laguayra, and not to Cuba. Thereupon the captain with some of the Cubans went down into the cabin, followed by some of the crew, and there the Cubans placed in the hands of the captain a large sum of money as security that the steamer should go to Laguayra, as promised, and all hands then went to work, and the steamer got under way, and arrived at Laguayra as before stated, where Quesada, with two or three of the Cuban passengers, went ashore and did not return to the steamer.

8. That, on the evening of the next day, Sunday, the 23d of October, the steamer left Laguayra and proceeded due west to Porto Cabello, on the coast, where she arrived at 6 o'clock on the evening of the next day, which was Monday, where the steamer lay until the 11th day of November.

9. That, after the arrival at Porto Cabello, this deponent saw the steam gunboat Oriental, armed with four guns and flying the Venezuelan flag, sail out and proceed in the direction of Laguayra; and before this deponent left Porto Cabello the said gunboat returned, having on board General Quesada and the Cubans who left the Virgin with him as before mentioned at Laguayra; and, immediately after General Quesada came on board the Virgin, she was directed to haul alongside the wharf to take in coal, which was immediately done, and then Quesada ordered the whole ship's crew of the Virgin to come aft, where a person standing immediately in front of Quesada announced that he, Quesada, wished to know who of the ship's crew were willing to go under Quesada's command, adding that those who did not wish to go would be sent home. This deponent thereupon, together with a number of coal-passers and firemen, and all the seamen, left the ship; but a portion of the firemen subsequently returned. The captain of the Virgin subsequently left that steamer. That this deponent remained in Porto Cabello some twelve days after leaving the steamer as aforesaid. The Virgin, after she left, proceeded along the coast to the eastward, and this deponent was told by the firemen on board of her that she transported troops from one place to another along the coast, and when the Virgin returned to Porto Cabello she had two cannon mounted on her deck, as this deponent himself saw.

10. That, on the morning of the 24th day of November, this deponent was in Porto Cabello, and saw the steamer Virgin take in tow the armed gunboat Oriental before mentioned, and proceed out to sea. On the evening of that day this deponent left and proceeded to Philadelphia, and thence to New York.

THOMAS ANDERSON.

Sworn before me this 21st day of December, 1870.

[SEAL.]

H. J. BEGLY,
Notary Public.

SOUTHERN DISTRICT OF NEW YORK, ss:

George W. Miller, being duly sworn, deposes and says:

1. That he is by profession a seaman, aged about twenty-five years.

2. That deponent shipped on board the Virginius, formerly called the Virgin, about the 3d of October last past. That he has heard read the affidavit of Thomas Anderson, dated 21st of December instant, and says that the same is in every respect true.

3. That upon meeting the tug Virginia Seymour, as in paragraph three of said affi-

davit, he saw his brother-in-law, Edward Perry, on said tug, who held the position thereon of second pilot. This deponent then asked his said brother-in-law where they in the *Virginus* were going to, and the said Perry replied that they in the said steamer were going to Cuba, and that the persons who were then going on board the *Virginus*, as mentioned in said paragraph, were Cuban officers.

4. That the *Virginus* proceeded on her course as stated in said affidavit, and as mentioned in paragraph seven thereof. This deponent was one of those who went down into the cabin and saw the money deposited by one of the Cubans as security that the ship should proceed to Laguayra and not to Cuba; and at this time the captain of the *Virginus* and General Quesada informed them that each sailor should have \$150 when they reached Laguayra.

5. From Laguayra the *Virginus* proceeded to Porto Cabello, where she discharged all her cargo, consisting of rifles, cannon, ammunition, and stores, with the exception of two twelve-pound howitzers, and placed part of her said cargo in the fort, and part thereof upon the gunboat *Oriental*.

6. That after remaining at Porto Cabello some twelve hours, General Quesada sent his interpreter—by name Verona—in a small boat, in which this deponent was an oarsman, a short distance from the steamer, toward the fleet of Venezuelan insurgents which was lying there; and the said Verona, when about half way, was met by the commander of the said vessels. A conversation then took place between them, during which a small island, about three miles from the harbor, was pointed out by the said commander to said Verona. Some hours afterward, at five in the evening, General Quesada left the *Virginus* in the said small boat, this deponent being therein, and the said Quesada had no more than left the steamer before he made his way to the bow of the boat and tied a Cuban flag to the staff. The boat then proceeded to the before-mentioned island, where the said commander again met them and had a conversation of some two hours' duration with Quesada.

7. On the 24th day of November, the *Virginus* left Porto Cabello, taking the said gunboat *Oriental* in tow, and proceeded under full steam out to sea, and in about nine hours—at six o'clock in the evening—came within hail of seven schooners, of which the *Virginus* took five in tow, and the gunboat the other two, and proceeded to Laguayra. The *Virginus* remained there about eight hours, and then started for the island Curaçoa, mounting a couple of small cannon on deck as she proceeded. Quesada was then in chief command, Captain Shepperd having left the steamer at Porto Cabello because Quesada would not inform him where the steamer was bound for. This deponent left the ——— at Curaçoa, and arrived last Tuesday at this port.

GEORGE MILLER.

Sworn to before me this 24th day of December, 1870.

[SEAL.]

H. J. BEGLY,
Notary Public.

UNITED STATES OF AMERICA,
Southern District of New York:

I, Joseph Gutman, jr., a commissioner duly appointed by the circuit court of the United States for the southern district of New York, in the second circuit, under and by virtue of the act of Congress entitled "An act for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States," passed February 20, 1812, and the act of Congress entitled "An act in addition to an act entitled 'An act for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States,'" passed March 1, 1817, and the act entitled "An act to establish the judicial courts of the United States," passed September 24, 1789, do hereby certify that on the 2d day of May, in the year of our Lord one thousand eight hundred and seventy-two, I was attended by Sidney Webster, esq., counsel for the Spanish legation, and by Henry E. Davies, jr., esq., assistant United States attorney, on the part of the Department of State of the United States of America, and by Francis E. Shepperd, the witness, who was of sound mind and lawful age; and the witness was by me first carefully examined and cautioned and sworn to testify the truth, the whole truth, and nothing but the truth, and the foregoing deposition was, by my clerk, reduced to writing in my presence, and in the presence of the witness and from his statement, and after carefully reading the same to the witness he subscribed the same in my presence; all of which I do hereby declare, publish, and certify.

In testimony whereof I have hereunto set my hand and seal this 2d day of May, in the year of our Lord one thousand eight hundred and seventy-two, and of the Independence of the United States the ninety-fifth.

[SEAL.]

JOSEPH GUTMAN, JR.,

*United States Commissioner, duly appointed by the Circuit Court of the United States
for the Southern District of New York, in the Second Circuit.*

No. 745.

Mr. Bliss to Mr. Fish.

OFFICE OF THE DISTRICT ATTORNEY OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF NEW YORK,
November 24, 1873. (Received November 25.)

SIR: I beg to acknowledge the receipt this morning of your favor of yesterday, transmitting a copy of notice given by the minister plenipotentiary of Spain that certain witnesses are to be examined to-morrow before Commissioner Gutman as to the history and ownership of the *Virginus*. I have also received your dispatch of this date directing me to appear and cross-examine the witnesses.

I will attend to the matter in person and advise you of the result. I have obtained, in accordance with your suggestion, all the information which the collector of the port is able to furnish.

Yours, &c.,

GEORGE BLISS.

P. S.—Your second dispatch just received.

No. 746.*Mr. Fish to Mr. Robeson.*

DEPARTMENT OF STATE,
Washington, December 2, 1873.

SIR: I have the honor to return, with my best thanks, the original letter of Commander Cushing, dated Santiago de Cuba, November 16, 1873, reporting his proceedings in the case of the *Virginus*, and covering a letter addressed by that officer to the general commanding the department of Santiago.

It is hoped that Commander Cushing's letter to General Burriel may not be considered as committing this Government on several of the many points advanced therein.

I have, &c.,

HAMILTON FISH.

No. 747.*Mr. Fish to Mr. Robeson.*

Confidential.]

DEPARTMENT OF STATE,
Washington, December 8, 1873.

SIR: I have the honor to inclose ten copies of an arrangement made this day between me and the Spanish minister for the surrender of the *Virginus*, and the survivors of those who were on board of her when captured, and for the salute to the flag, should one be made, and ten copies of the message of the President, with the protocol of the 29th November, on the same subject. Referring to our conversation this afternoon, may I request that the proper instructions may be given

without delay and in the manner indicated by you verbally, or in such other way as may seem to you best, in order that the said arrangement may be promptly carried out?

I have, &c.,

HAMILTON FISH.

P. S.—The copies referred to were delivered to Mr. Robeson personally this p. m.

No. 748.

Mr. Fish to Mr. Williams.

DEPARTMENT OF STATE,
Washington, December 11, 1873.

SIR: On the 29th ultimo, at a conference between the Spanish minister and myself, it was agreed that should Spain, before the 25th day of December, current, prove to the satisfaction of the Government of the United States that the steamer *Virginus* was not entitled to carry the flag of the United States, and was carrying it at the time of her capture without right, and improperly, then the salute which Spain was to give to the flag of the United States on that day should be spontaneously dispensed with, as in such case not being necessarily requirable. A copy of a protocol of the conference, in which this agreement is reached, is hereto annexed.

I received yesterday from Admiral Polo, the Spanish minister, a note* transmitting various documents, which, he states, prove, in his opinion, that the steamer *Virginus* had no right, at the time of her capture, to use the flag of the United States, and I understand this to be the evidence upon which his government relies to substantiate that fact.

The President instructs me to lay before you this note from Admiral Polo, with its inclosures, which I now do, inclosing herewith a translation of the note, and the original of the evidence inclosed in it; and I will thank you to return both these papers to this Department when you have done with them.

The President desires your opinion upon the force of this evidence, whether it does substantiate to the reasonable satisfaction of this Government that the *Virginus* was not entitled to carry the flag of the United States, and was carrying it, at the time of her capture, without right, and improperly.

It is proposed that the salute, should it take place, shall be made in the harbor of Santiago de Cuba. Orders have already gone to the commanders of United States vessels who are expected to be in that harbor on the 25th instant, to notify the proper Spanish officials, on that day at noon, of a readiness to receive and return the salute, unless previously informed of its waiver by this Government; and in order that a counter order (should one become necessary) may reach there in time, it is desirable that your conclusions on the inclosed documents should be made known to this Department as early as the morning of the 16th instant. I take the liberty, therefore, to ask that it may be furnished by that day.

I have, &c.,

HAMILTON FISH.

No. 749.

Mr. Fish to Mr. Williams.

DEPARTMENT OF STATE,
Washington, December 12, 1873.

SIR: Referring to my communication of yesterday, I have now the honor to submit for your consideration a copy in translation of additional affidavits in the matter of the *Virginus*, received from the Spanish minister here. I will thank you to return the inclosed papers when you have done with them.

I have, &c.,

HAMILTON FISH.

GOBIERNO SUPERIOR POLITICO SECRETARIA NEG'DO POLITICO,
Havana, December 2, 1871.

MOST EXCELLENT SIR: To be used as your excellency may deem convenient, I have the honor of inclosing the testimony, taken in due legal form, given by two of the crew of the last expedition of the *Virginus*, who presented themselves, and whose depositions were taken, in the presence of the consuls of the United States of America and of Venezuela.

May God, &c.,

The COUNT VALMASEDA.

His Excellency the MINISTER OF SPAIN *in Washington.*

FISCALIA MILITAR PERMANENTE DE ESTA PLAZA,
Plaza de la Havana, 1871.

Examination of the Venezuelan prisoners of war, Anselmo Villarreal and Gervasia Parra, who testify in the presence of the consuls of the United States and of Venezuela, whose signatures are hereunto attached.

Fiscal magistrate Don ANTONIO BERTRAM ARNULTE,
Lieutenant-Colonel of Infantry.

Secretary D. ROMAN PARDINA Y MUR,
Commander, Captain of Infantry.

Don Roman Pardina y Mur, captain of infantry and secretary on the trial of the prisoners of war, Anselmo Villarreal and Gervasio Parra, Venezuelans, who came to this island on board the pirate ship *Virginus*, commanded by the chief, Rafael Quesada, whose prosecutor is fiscal magistrate, the lieutenant-colonel of infantry, Don Antonio Bertram Arnalte, certifies that on page 8 and following is found the examination of the prisoners of war Anselmo Villarreal and Gervasio Parra, Venezuelans, which literally states as follows: In the city of Santiago de Cuba, on the 26th day of the month of October, 1871, the fiscal magistrate, accompanied by a notary, resolved to go to the barrack of San Francisco, in this town, where the Venezuelan Anselmo Villarreal is confined, and commanded his appearance, and the prisoner appearing and the notary having stated to him the object of his being called, the said officer examined him, asking his name, age, country, religion, profession, and occupation. He stated that his name was Anselmo Villarreal; 43 years of age; native of the island of Marguerite, republic of Venezuela; Roman Catholic; by profession, a market-peddler in Puerto Cabello. Being asked if he knew the cause of his arrest, he said that he supposed the reason was his having taken part in the expedition of insurgents to this island. Being asked when he came to this island, and upon what conditions, he said that in May last, of this year, he was sick in the hospital of Caracas, and when he left there some friend of his intimated to him that he might enlist himself and form a part of the expedition that Manuel Quesada was planning to disembark in Cuba; that he did not then decide, but went to Puerto Cabello, and that about the 7th or 8th of June following, moved by the promises and brilliant prospects of booty from the enemy, and the promise of a dollar a day, which was offered, and hoping that in the expedition he would receive that money, he resolved to join it—more especially when he was told that he was coming to an island which belonged already to the insurgents, to organize an army to prevent the Spaniards from recovering it; that on the 13th of said month he embarked on the steamer *Virginus* with 39 countrymen of his, 6 or 7 Cubans, and 5 from Porto Rico, all of them commanded by Rafael Quesada and the Venezuelan General Manuel

Garrido, and disembarked at Bocca de Cabello, on the south coast of this island, in the vicinity of Sevilla, on the 21st day of the month, in which place a few negroes were waiting for them, who belonged to the party of Jesus Péres. Being asked what he had done and in what places he had found himself from his arrival until the moment he was captured by the Spanish troops, and being requested to state everything he knew about this matter, he answered and said that first was the landing of the men and material of war; that of the material of war there were 300 carbines, (Minie,) 300 guns, (Spencer,) about 200,000 cartridges of both kinds, 30 saddles, 600 cartridge-boxes, 8 or 10 barrels full of linen pantaloons, made of ordinary linen, and other articles of clothing of the same material, 2 large pieces of heavy cloth for cold weather, and 2 boxes of machetas; that they loaded all these on 40 mules, which were also brought in the expedition, and each individual carrying the arms of five persons; they made two trips to a place the name of which he does not know, but which is about two leagues and a half from the coast, where they passed the night, starting next morning, accompanied by Jesus Péres, toward La Magdalena, where they arrived two days afterward, where they divided the arms, and in consequence of being together, about 300 persons of both sexes, necessity obliged them to eat the animals they had brought; that from said place they all started toward Cambute, but the deponent fell sick on the journey and was left behind, arriving at said place four days afterward, where, through five of his countrymen who had also been left behind on account of sickness, he learned that Rafael Quesada and Garrido had continued their journey toward Puerto Principe, but that he heard nothing more about them afterward; and, finally, that after that time, in consequence of their being sick, they took the arms from them, and they followed the party among the women, until, not having strength enough to walk any longer, he was captured in the encampment of San Pedro, by the force of Brigadier Campos, who left him in said place with the view of inducing his companions to present themselves with him to the government, only one of whom, however, was induced to remain with him, and who was afterward taken by a party of Spanish troops that arrived from La Florida; to which place deponent went almost crawling, being too feeble to walk, and where he arrived three days after the others; that of the other four countrymen of his, two died, one hanged himself, and the other was in the party of Matias Vega, so that he could not see him; that the deponent felt bound to state that he did not think when he enlisted that he was to come and fight against the Spaniards, but only to earn better wages than in his own country in order to sustain his family, and induced by the tempting offers they made him; and that he has nothing more to say.

At this point the magistrate resolved to suspend the examination. Deponent, when this deposition was read to him, confirmed it in everything, signing it in the presence of the attorney. To which I hereby certify.

ANSELMO VILLARREAL.
BARNABÉ GARCÉS.

In my presence.

JONAS GELI.

In the city of Havana, on the 13th day of the month of November, 1871, after being summoned, appeared before said magistrate in the civil hospital of San Felipe of Santiago of this city, where the prisoners of war, Anselmo Villarreal and Gervasio Parra, were sick, the doctor on duty, who, being duly sworn by the magistrate, deposed that his name was Don Antonis Puig, and that the Venezuelans above mentioned were sick in one of the departments of the hospital, but were able to make a deposition, being in perfect possession of their senses.

All of which is declared by these officers, the said doctor and magistrate, who signed with me; which I hereby certify.

ANTONIS PUIG.
ANTONIS BERTRAN.
ANSELMO ROMAN PARDINA.

Immediately, having been previously summoned before the magistrate, and in the presence of the secretary, the Venezuelan prisoner of war, Anselmo Villarreal, accompanied by the consul of the United States, Mr. Enriques C. Hall, and the consul of Venezuela, Don Antonio Francisco Silva, appeared, and the magistrate having informed them all that the object of summoning them was that they might be present at the examination of the Venezuelan prisoners of war who were captured in the eastern department of this island, and having read to the prisoner the deposition made by him in Santiago de Cuba, said Anselmo was asked whether the contents of said deposition were what he had deposed before, and whether he had anything to add or suppress, and whether he promised to speak the truth in everything that might be asked of him. In answer, he said that the deposition read to him was the same that he had made in Cuba; that he had nothing to add or suppress; that he re-affirms every part of its contents; that the signature to it is recognized by him as his signature in his own handwriting; and that he promises to speak the truth in everything that may be asked of

him. Being asked on what day he left his country, he answered, that he left the republic of Venezuela on the 14th of June, in the present year, (1871;) and being asked in what ship he embarked, how the ship was called, in what place he was taken on board, at what place the ship was anchored, and what flag and colors she had, he answered that he embarked on the steamer *Virginus*, which was at Puerto Cabello, at the wharf or pier, with many others; that the flag which it hoisted was on the mainmast, and was the American flag. Being asked who chartered the ship, who was the person that dispatched the ship, and also who was the consignee in said port of Puerto Cabello, he said that the steamer belonged to the individuals Manuel and Raphael Quesada, natives of the island of Cuba; that they themselves were the persons who dispatched it, and that he did not know who was the consignee of said vessel in Puerto Cabello. Being requested to state how many passengers were on board the *Virginus*, how many disembarked with him, and how many were the crew of said steamer, he answered that the passengers were as many as disembarked with him, which number he has already stated, and that he did not know how many formed the crew of said vessel, the *Virginus*. Being asked whether it is true that they disembarked at Bocca de Cabello, on the south of the island, how long the steamer remained in port, where they landed and at what time it was done, he answered that it is true that they disembarked at said point, at 2 o'clock in the morning of the 21st of June of this year, (1871,) and that the steamer remained in that port until 8 o'clock in the morning, at which time it completed the landing of its cargo and immediately afterward left. Being asked what day he enlisted himself, who took his name, where was he taken, whether to a house or to the steamer, whether he was registered, and for how long, he answered that he had enlisted on the 8th of June, in the house of Dr. Bermudez, in which the brothers Quesada lived, who enlisted him and took his name; that they allowed him to live where he pleased, and that they did not take his *filiacion*. Being asked on what day he was made prisoner, he answered that he was captured about the 6th of October last, but he does not remember the exact date. Being asked if he knows Gervasio Parra and from where he sailed, he answered that he does know him, because he was a companion of his, and one of the expeditionists of Quesada. Being asked if he knew whether the government of his country residing in Puerto Cabello had knowledge of the bandit Quesada, called Manuel, recruiting men to form an expedition to go to the island of Cuba in the *Virginus*, as was done, he answered that he did not know whether the government at Puerto Cabello was acquainted with the facts of the expedition, but that he and all the others embarked themselves publicly at 6 o'clock in the afternoon, and that as Quesada lived, as he has already stated, in the house of Don Pedro Bermudez, who was an employé of the municipal government, he supposes that he (Bermudez) at least ought to have had notice of the said expedition. Being asked how many dollars he received at Puerto Cabello from Quesada, how many during the voyage, and how many afterward in the *Manigua*, and in what coin, he answered that in Puerto Cabello he received five dollars in a silver Prussian coin, during the voyage nothing, the same as his companions, and that in the *Manigua* he did not receive anything either. Being asked to state how many villages he had seen in this island during the time he had remained here, and what he had seen when among the insurgents, and if he had seen any stone houses, he answered that he had not seen any village at all, much less houses made of stone, while he had lived with the insurgents, and that he had only seen *bohios*, in which they lived. Being asked in how many combats he had found himself engaged, and whether he had captured any convoy to the Spaniards, he answered that he had not found himself in any combat, and that he had not captured any convoy to the Spaniards. Being asked who commanded him in the insurrection and what rations they gave him, he answered that he was commanded by the chief, Jesus Perez, for some days, and afterward by the so-called Lieutenant-Colonel Juan Cinta and afterward by the Commander Matias Vig; that they did not give him anything for rations, and that they sustained themselves with mangoes, guayabas, aguacate, and other fruits. Being asked whether he knows that these chiefs received provisions from Cuba, from Cobre, or from any other town inhabited by the Spaniards, or any correspondence from either of said places, or any other where the Spanish authorities reside, he answered that he did not know anything about that of which he was asked, because he had not seen anything of the kind. Being asked whether it is true that in the camp of Magdalena they ate forty mules, how they ate the flesh, whether they had salt and water, whether the Venezuelans complained, and whether this kind of flesh is eaten in his country, he answered that it was true that they had eaten the forty mules; that they were eaten by the Cubans of Jesus Perez, the flesh being roasted; that the Venezuelans did not eat it in his presence, as they still had some crackers brought from the ship; that in his country it is not customary to eat such flesh, and that they had water. Being asked if he has a list of the persons who came with him, he answered that he has no list of those persons, nor does he know their names. Being asked how they effected a landing; whether the ship came up close to the land, or whether they made the landing in boats; whether they saw any steamer of any kind when they approached the island, and whether he ever knew at what distance the Spanish troops were from that place, he answered that the landing was made

by the boats; that at sunset they saw a steamer; that he does not know to what nation she belonged, but that the *Virginus* directed her bow toward Jamaica in order to put herself out of the reach of that ship, and that the Spaniards were about three leagues from that place. Being asked if he knows where they bought the arms, ammunitions, saddles, and other articles that were disembarked there, he answered that he does not know. Being asked what he lived on during his four days' journey from Magdalena to Caubute, he answered that in those four days he ate only one mango; that as they had left him, thinking he was dead, no one took any care of him. Being asked whether the ship had changed her flag, inasmuch as he had stated that she sailed with the American flag, he answered that no change was made; that the flag was always hoisted on the mainmast and that the landing was made with the same on the poop. Being asked whether he has anything more to say, he answered that when he was captured in the camp of San Pedro he was made prisoner by a soldier whose name he does not know; that he thinks he belonged to the regiment de la Corona; that this soldier presented him to the brigadier campos, and that that officer directed that his sores (ulcers) should be attended to, and left him provisions, telling him to see his companions and induce them also to present themselves, but that this he was unable to do, because he saw only Gervasio Parra, who afterward did present himself with deponent; that Parra brought provisions to the deponent while he staid in that place, until, seeing that no more Venezuelans presented themselves, deponent determined to leave there at once and go to where the Spaniards were; that he has nothing further to say beyond what he has stated, and that all that he has stated is true and in accordance with his promise to speak truly in respect to everything about which he should be interrogated.

At this point the magistrate determined to suspend this examination, to continue if it should be necessary hereafter, signing with the consuls and fiscal and secretary; which I certify.

ANSELMO VILLARREAL.

The Consul of the United States,

HENRY C. HALL.

The Consul of Venezuela,

FRANCISCO ANTONIO SILVA.

ANTONIO BERTRAN,

ANTONIO RAMON PARDINA.

Without delay the Venezuelan prisoner of war, Gervasio Parra y Franco, a native of Puerto Cabello in the republic of Venezuela, appeared before said consuls of the United States and of Venezuela, the fiscal and the secretary, and said fiscal having informed him that he was required to testify, and he having promised to speak the truth of everything about which he should be asked, he was asked to state his name, his nationality, his status, and the place from which he came; to which he answered that his name is as it has been already stated, that he is a native of Venezuela, a single man, age thirty years, by profession hotel-keeper, and that he came from the expedition of the so-called General Quesada. Being asked to state the day on which he embarked, at what place, at what time, and in what ship, he stated that he embarked at Puerto Cabello on the 15th day of June of this year (1871) on the ship *Virginus*; that the ship was near the wharf, and that they embarked upon her from the wharf at 6 o'clock in the morning. Being asked who enlisted him, and at what place they were enlisted, and for what time, he answered that Manuel Quesada enlisted him at his house, that is to say where he lived, in Mangle street; that the number of the house he does not remember, but that it belongs to Lerunil Larrache, who is in the real-estate business, and that he was not enlisted for any particular period. Being asked what flag the ship had hoisted when he came on board and when she started on the voyage, whether it was the same flag that she had when they disembarked, he answered that the flag the ship had hoisted when he went on board was the American flag, and that it was the same that she carried during the whole voyage, and the same under which the landing was effected. Being asked in what manner the landing was effected, at what time and what place the ship was brought near the land, and whether the landing was made directly from the ship or by boats, he answered that it was brought near the coast at the place called Bocca de Cabello, and that afterward, by means of boats, the men, mules, arms, and ammunition were disembarked at about 2 o'clock in the morning of the 21st of June, in the present year, (1871.) Being asked whether he knows Anselmo Villarreal, he answered that he does know that person, because he was a companion of his in the expedition and a countryman of his besides. Being asked how he came to present himself to the Spaniards, he said that, finding himself sick in the encampment of San Pedro, with some others of the insurgents, the so-called Lieutenant Posada decided that every body should encamp himself as he best could; and, his companion Anselmo being left in said camp, deponent returned next day to see him, when Anselmo spoke to deponent, and told him that the Spaniards had been there and had attended to his sores and given him food and wine, and treated him kindly, and told him that he ought to present himself, which he did to the first Spanish troops that

came near three or four days afterward; that Anselmo remained where he was, and that two days afterward deponent was sent by the Spanish commander in La Florida to take some food to Anselmo, which he did, returning next day from the camp La Florida; but that he did not dare to do it oftener, through fear of the *mambises*, that is to say, the insurgents. Being asked what induced him to come to this island, he said that, not having work in his own country, and the so-called General Quesada having offered him a dollar a day if he would come to serve in this island, which, he said was all in favor of the insurgents, and having promised that his wages here would be doubled, he came. Being asked whether they had fulfilled their promises and what rations he had received in the *manaigua* of Cuba, he said that in the *manaigua* he had not received any rations at all and no clothing; and that, far from fulfilling what they had promised, they took him from his home in the night, tied, and brought him to the steamer, because he had told Quesada that it would be no longer convenient for him, deponent, to come to this island with him; that those who took him tied to the *Virginus* were four officers of the same expedition, and that they knocked at his door at sunset, and ordered him in the name of the authorities to open the door. Being asked whether he has previously made a deposition, and if so when and at what place and before whom, he answered that he did not know whether the questions that were put to him in Cuba and afterward in Mansanillo could be considered as depositions or only as mere notes or memorandums, but that he has not signed anything; that he has nothing more to say, and that everything he has said is true.

At this point the magistrate determined to suspend this examination, to be continued if it is ever necessary.

Signed with the consuls, the fiscal, and the secretary, which I certify.

GERVASIO PARRA.

The Consul of the United States,

HENRY C. HALL.

The Consul of Venezuela,

FRANCISCO ANTONIO SILVA.

ANTONIO BERTRAN.

ANTONIO RAMON PARDINA.

In order that it may be known when required, I write the present certificate by order of Don Antonio Bertran y Arnalte, magistrate of the fiscal proceedings against the Venezuelans. Anselmo Villarreal and Gervasio Parra sign it. The fiscal signing it with me, the secretary, in the city of Havana, the 17th of November, 1871.

FRANCISCO PARDINAS.

All of which I approve.

ANTONIO BERTRAN.

I, Don Carlos Rodriguez de Rivera, colonel, provisional chief of staff of the army, and captain-general, certify that the proceeding, signatures, and signs of the Brev. Lieut. Col. Commander Fiscal Don Antonio Bertran y Arnalte, and the brevet commander captain of infantry, Secretary Don Manuel Pardina y Murr, are of the handwriting of the same, and the same that they employ in their official writings.

Havana, November 21, 1871.

CARLOS RODRIGUEZ DE RIVERA.

CONSULATE-GENERAL OF THE UNITED STATES OF AMERICA,

At Havana, Island of Cuba.

I, the undersigned, vice-consul general of the United States of America at Havana, island of Cuba, do hereby certify that the foregoing is the true and genuine signature of Lieut. Col. Don Carlos Rodriguez de Rivera, chief of staff *ad interim* of his excellency the captain-general and superior military governor of this island, and whose official acts merit full faith and credit.

Given under my hand and the seal of this consulate-general the 1st day of December, 1871.

HENRY C. HALL,

Acting Vice-Consul General.

No. 750.

Mr. Williams to Mr. Fish.

DEPARTMENT OF JUSTICE,

Washington, December 17, 1873. (Received December 17.)

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant, submitting to me a large number of documents and

depositions, and asking for my opinion as to whether or not the *Virginus*, at the time of her capture by the Spanish man-of-war *Tornado*, was entitled to carry the flag of the United States, and whether or not she was carrying it improperly and without right at that time.

This question arises under the protocol of the 29th ultimo, between the Spanish minister and the Secretary of State, in which, among other things, it is agreed that on the 25th instant Spain shall salute the flag of the United States. But it is further provided that "if Spain should prove to the satisfaction of the Government of the United States that the *Virginus* was not entitled to carry the flag of the United States, and was carrying it, at the time of her capture, without right and improperly, the salute will be spontaneously dispensed with, as in such case not being necessarily requirable; but the United States will expect, in such a case, a disclaimer of the intent of indignity to its flag in the act which was committed."

Section 1 of the act of December 31, 1792, provides that ships or vessels registered pursuant to such act, "and no other, (except such as shall be duly qualified according to law for carrying on the coasting-trade and fisheries, or one of them,) shall be denominated and deemed ships or vessels of the United States, entitled to the benefits and privileges appertaining to such ships." Section 4 of the same act provides for an oath, by which, among other things, to obtain the registry of a vessel, the owner is required to swear "that there is no subject or citizen of any foreign prince or state, directly or indirectly, by way of trust, confidence, or otherwise, interested in such ship or vessel, or in the profits or issues thereof."

Obviously, therefore, no vessel in which a foreigner is directly or indirectly interested is entitled to a United States registry, and if one is obtained by a false oath as to that point, and the fact is that the vessel is owned, or partly owned, by foreigners, she cannot be deemed a vessel of the United States, or entitled to the benefits or privileges appertaining to such vessels.

The *Virginus* was registered in New York on the 26th of September, 1870, in the name of Patterson, who made oath as required by law, but the depositions submitted abundantly show that, in fact, Patterson was not the owner at that time, but that the vessel was the property of certain Cuban citizens in New York, who furnished the necessary funds for her purchase. J. E. Shepperd, who commanded said vessel when she left New York with a certificate of her register in the name of Patterson, testifies positively that he entered into an agreement to command said vessel at an interview between Quesada, Mora, Patterson, and others, at which it was distinctly understood that the *Virginus* belonged to Quesada, Mora, and other Cubans, and that said Mora exhibited to him receipts for the purchase-money and for the repairs and supplies upon said steamer, and explained to him how said funds were raised among the Cubans in New York. Adolpho De Varona, who was the secretary of the Cuban mission in New York at the time the *Virginus* was purchased, and afterward sailed in her as Quesada's chief of staff, testifies that he was acquainted with all the details of the transaction, and knows that the *Virginus* was purchased with the funds of the Cubans, and with the understanding and arrangement that Patterson should appear as the nominal owner, because foreigners could not obtain a United States register for the vessel. Francis Bowen, Charles Smith, Edward Greenwood, John McCann, Matthew Murphy, Ambrose Rawlings, Thomas Gallagher, John Furlong, Thomas Anderson, and George W. Miller, who were employed upon the *Virginus* in various capacities

after she was registered in the name of Patterson, testify clearly to the effect that they were informed and understood while they were upon the vessel that she belonged to Quesada and the Cubans represented by him, and that he navigated, controlled, and treated said vessel in all respects as though it was his property.

Nothing appears to weaken the force of this testimony, though the witnesses were generally subjected to cross-examination; but, on the contrary, all the circumstances of the case tend to its corroboration. With the oath for registry the statute requires a bond to be given, signed by the owner, captain, and one or more sureties; but there were no sureties upon the bond given by Patterson and Shepperd. Pains have been taken to ascertain if there was any insurance upon the vessel, but nothing of the kind has been found, and Quesada, Varona, and the other Cubans who took passage upon the *Virginus*, instead of going on board at the wharf in the usual way, went aboard off a tug after the vessel had left the harbor of New York. I cannot do otherwise than to hold upon this evidence that Patterson's oath was false, and that the register obtained in his name was a fraud upon the navigation laws of the United States.

Assuming the question to be what appears to conform to the intent of the protocol, whether or not the *Virginus*, at the time of her capture, had a right, as against the United States, to carry the American flag, I am of the opinion that she had no such right, because she had not been registered according to law; but I am also of the opinion that she was as much exempt from interference on the high seas by another power, on that ground, as though she had been lawfully registered. Spain, no doubt, has a right to capture a vessel, with an American register, and carrying the American flag, found in her own waters assisting, or endeavoring to assist, the insurrection in Cuba, but she has no right to capture such a vessel on the high seas upon an apprehension that, in violation of the neutrality or navigation laws of the United States, she was on her way to assist said rebellion. Spain may defend her territory and people from the hostile attacks of what is, or appears to be, an American vessel; but she has no jurisdiction whatever over the question as to whether or not such vessel is on the high seas in violation of any law of the United States. Spain cannot rightfully raise that question as to the *Virginus*, but the United States may, and, as I understand the protocol, they have agreed to do it, and, governed by that agreement and without admitting that Spain would otherwise have any interest in the question, I decide that the *Virginus*, at the time of her capture, was without right, and improperly, carrying the American flag.

Very respectfully,

GEO. H. WILLIAMS.

No. 751.

Mr. Fish to Mr. Robeson.

DEPARTMENT OF STATE,
Washington, December 17, 1873.

SIR: Referring to the protocol signed on the 29th day of November, and to the agreement signed on the 8th day of December, instant, between the Spanish minister and myself, of which copies were furnished

to you with my letter of 8th instant, I have the honor to call your attention to the provision in these two papers relative to a salute to the flag of the United States, to be made by Spain, in the harbor of Santiago de Cuba, on the 25th day of December instant, and to the agreement in the protocol that "if, before that date, Spain should prove to the satisfaction of the Government of the United States that the *Virginus* was not entitled to carry the flag of the United States, and was carrying it at the time of her capture without right, and improperly, the salute will be spontaneously dispensed with, as in such case not being necessarily requirable."

The Spanish minister, in behalf of his government, has submitted certain documents, including depositions taken before a United States commissioner, in the presence of the attorney of the United States for the southern district of New York, by whom the parties making the depositions were cross-examined.

These depositions, together with copies of the register, and other papers of the *Virginus*, were, by direction of the President, submitted to the Attorney-General, requesting his opinion upon the force of the evidence, whether it does substantiate to the reasonable satisfaction of this Government that the *Virginus* was not entitled to carry the flag of the United States, and was carrying it, at the time of her capture, without right, and improperly.

The Attorney-General holds, upon the evidence presented, that the register of the *Virginus* was a fraud upon the navigation laws of the United States, and is of the opinion that she had no right to carry the flag of the United States, and he "decides that the *Virginus*, at the time of her capture, was without right, and improperly, carrying the American flag."

By direction of the President, I have the honor to inclose herewith a copy of this opinion and decision of the Attorney-General.

The President directs me further to say that the conditions having thus been reached, on which, according to the protocol of the 29th of November last, the salute to the flag of the United States is to be spontaneously dispensed with, he desires that you will give the necessary orders and instruct the proper officers to notify the authorities of Santiago de Cuba of that fact, in time to carry out the intent and spirit of the agreement between the two governments.

I have, &c.,

HAMILTON FISH.

[For inclosure see page 1103.]

No. 752.

Mr. Fish to Mr. Williams.

DEPARTMENT OF STATE,
Washington, December 22, 1873.

SIR: Referring to my conversation with you on the subject of carrying out the agreement of the United States with Spain, respecting proceedings against the *Virginus* and against the persons who may appear to have been guilty of illegal actions in connection therewith, I have now

the honor to inclose copies of the protocol of the 29th ultimo, between Admiral Polo and myself, and of the agreement of the 8th of December, and to request that the steps necessary to carry out the same may be taken by the Department of Justice.

I have, &c.,

HAMILTON FISH.

No. 753.

Mr. Williams to Mr. Fish.

DEPARTMENT OF JUSTICE,
Washington, December 23, 1873. (Received December 27.)

SIR: I have the honor to acknowledge the receipt of your letter of the 22d instant, relative to carrying out the agreement of the United States with Spain respecting proceedings against the *Virginus*, and inclosing copies of the protocol of the 29th ultimo, between the Spanish minister and yourself, and of the agreement of the 8th instant.

In reply, I have to inform you that I have transmitted said papers, with a copy of your letter, to the United States attorney at New York, with instructions to have all the necessary papers prepared to libel the *Virginus*, upon her arrival there, for violation of the laws of the United States, and to take such action, touching the persons connected with the enterprise, as may seem proper.

Very respectfully,

GEO. H. WILLIAMS.

SWEDEN AND NORWAY.

No. 754.

Mr. Stenersen to Mr. Fish.

[Translation.]

LEGATION OF SWEDEN AND NORWAY IN THE UNITED STATES,
Washington, March 25, 1874. (Received March 26.)

MR. SECRETARY OF STATE: Under date of October 2, 1872, I had the honor to address you a note, the object of which was to ask, in favor of the line of steamers plying between Norway and the United States, the same exemption from payment in this country of tonnage, anchorage, beaconage, and light-house dues that has been granted to the Belgian steamers in virtue of the treaty between the United States and Belgium of July 17, 1858, and to obtain the restitution of the duties which have already been paid.

In reply to that note you were pleased, Mr. Secretary of State, to send me, under date of October 17, 1872, a copy of a letter from the Secretary of the Treasury, of the 10th of the same month, wherein the

said Secretary expressed his opinion that the treaty between Sweden and Norway and the United States of July 4, 1827, contains no stipulation authorizing the steamers of the line aforesaid to claim the privileges which have been granted to the Belgian line.

The Secretary added that if his decision was considered unjust, the parties interested might appeal to the courts.

I communicated this reply to my government, which has instructed me to try once more to obtain the recognition, diplomatically, of the rights which we claim, by submitting the question anew to the consideration of the American Government.

In obedience to these instructions, I take the liberty of calling your attention, Mr. Secretary of State, in the first place, to article 8 of the treaty of 1827, which is as follows :

The two high contracting parties engage not to impose upon the navigation between their respective territories, in the vessels of either, any tonnage or other duties of any kind or denomination which shall be higher or other than those which shall be imposed on every other navigation.

It seems to me very difficult, Mr. Secretary of State, not to admit that this article secures to each of the two contracting countries for their navigation to the other country in their own vessels the usage of the most favored nation in everything relating to "tonnage or other duties."

In the second place, I take the liberty of observing to you, Mr. Secretary of State, that by article 17 of the treaty of 1827, it is stipulated that several articles of the treaty of April 3, 1783, between Sweden and the United States, shall be "revived, and made applicable to all the countries under the dominion of the present high contracting parties, and shall have the same force and value as if they were inserted in the context of the present treaty," and that among the articles thus revived is the second, which reads thus :

The King and the United States engage, mutually, not to grant hereafter any particular favor to other nations in respect to commerce and navigation, which shall not immediately become common to the other party.

It seems to me impossible, Mr. Secretary of State, to find, in a treaty, terms more explicit, and bearing more directly upon questions of the nature of that which now occupies our attention.

It is, therefore, in basing my request upon these direct and formal terms of existing treaties that, with full confidence in the sentiments of justice and good will which actuate the Government of the United States, I have the honor to beg you, Mr. Secretary of State, to be pleased again to take into consideration the subject of my note of October 2, 1872, and to use your good offices to the end that the request therein made may be granted.

I avail, &c.,

O. STENERSEN.

No. 755.

Mr. Fish to Mr. Stenersen.

DEPARTMENT OF STATE,
Washington, April 10, 1874.

SIR: I have the honor to acknowledge the receipt of your note of the 25th ultimo, renewing the request made by you on the 2d of October, 1872, that the line of steamers plying between Norway and the United

States may be favored with the same exemption from payment, in this country, of tonnage, anchorage, beaconage, and light-house dues that has been granted to the Belgian steamers in virtue of the treaty between the United States and Belgium of July 17, 1858, and to obtain the restitution of the duties which have already been paid.

In reply, I have the honor to state that the question will again be referred to the Secretary of the Treasury for his consideration.

Accept, sir, &c.,

HAMILTON FISH.

No. 756.

Mr. Stenersen to Mr. Fish.

[Translation.]

LEGATION OF SWEDEN AND NORWAY IN THE UNITED STATES,
Washington, June 22, 1874. (Received June 23.)

MR. SECRETARY OF STATE: The steam-corvette Balder, Captain Virgin, of the Royal Swedish navy, entered the port of New York, early in April last, and, on that occasion, Captain Virgin refused to accept the services of the first pilot who presented himself, although he subsequently accepted the services of another.

For this reason, the commissioners of pilots at New York demanded double pilotage of the said captain, basing their action upon the provisions of the law relating to merchant-vessels. Captain Virgin having been informed that American vessels of war are exempted from such payments in cases of this nature, and believing that a Swedish vessel of war might claim, in American waters, the same usage as American vessels of like character, only paid the second pilot, refusing to pay the first until it should be proved that he was legally obliged to do so.

The question having been laid before the government of the King, I have been instructed to address you, Mr. Secretary of State, for the purpose of inquiring—

1. Whether American vessels of war are required, by the laws of this country, to pay double pilotage in case of their having declined to accept the services of the first pilot who has presented himself, and of their having subsequently accepted those of another; and

2. Whether, in case this question is answered negatively, foreign vessels of war do not enjoy, in America, in cases of this nature, the same usage as American vessels of war, according to the custom which prevails in the United Kingdoms and in other European countries.

I therefore have the honor to beg you, Mr. Secretary of State, to be pleased to send me an official reply to these two questions, and, meanwhile, I avail myself of this occasion to offer you, Mr. Secretary of State, the reiterated assurances of my highest consideration.

O. STENERSEN.

No. 757.

Mr. Fish to Mr. Stenersen.

DEPARTMENT OF STATE,
Washington, August 20, 1874.

SIR: The delay in replying to your note of the 22d of June last, in reference to the double pilotage fees demanded of the captain of the

corvette Balder, in which you request information whether American vessels of war are required to pay double pilotage in similar cases, and if not, whether foreign vessels of war do not enjoy in the United States in such cases the same privileges as are accorded to American vessels in the United Kingdoms and in other European countries, has been occasioned by a desire to examine the question.

I have now the honor to inform you that it was provided by an act of Congress of August 7, 1789, that pilots should continue to be regulated by the several States.

The pilotage system in the United States is entirely under State authority, the State prescribing the regulations and collecting the fees. The pilot laws affecting the port of New York, in this instance, are a part of the statutes of the State of New York. Upon an examination of the law, I find that it applies in terms not only to merchant-vessels but to ships of war both of the United States and of foreign countries. No discrimination appears to be made against foreign ships of war.

I am not informed whether any general rule exists in foreign countries exempting foreign vessels of war from the payment of pilot fees, but in the United States the whole matter has been transferred to the several States, and whatever reciprocal courtesy exists, or whatever exemptions are made, rest entirely with the States, and over all these matters the United States has no jurisdiction.

Accept, sir, &c.,

HAMILTON FISH.

No. 758.

Mr. Cadwalader to Mr. Stenersen.

DEPARTMENT OF STATE,
Washington, October 13, 1874.

SIR: Referring to your communication of March 25 ultimo, in which you inform this Department that, notwithstanding the adverse decision of the Secretary of the Treasury, you had been instructed by your government to make a further effort, diplomatically, to obtain a recognition of the right claimed by the Norse line of steamers plying between Norway and the United States, to an exemption from the payment of tonnage, anchorage, beaconage, and light-house dues in this country similar to that which has been granted to the Belgian steamers pursuant to the provisions of the treaty between the United States and Belgium of July 17, 1858, I have the honor to inform you that your request for a re-examination of the question having been transmitted to the Secretary of the Treasury, has been acceded to in order that no doubt may exist of the desire of this Government to carry out with strictness and fidelity every treaty stipulation binding upon it.

The Secretary of the Treasury has informed the Department, by a letter dated October 3 instant, that regarding the provisions of the treaties and the justness and reasonableness of the claim made by the government of Sweden and Norway to the exemption of vessels of that kingdom from the payment of duties, in the United States, for tonnage, anchorage, beaconage, and light-houses, and after a mature consideration of the whole question he is prepared to admit the claim made on behalf of the Norse line of steamers to the exemption in question, and that the proper instructions in the premises will be given.

This decision of the Secretary of the Treasury rests upon the theory and involves the proposition that in case a line of steamers should be established in the future, and during the continuance of the treaty, being vessels of the United States engaged in regular navigation between the ports of the United States and Sweden and Norway, the government of Sweden and Norway will extend to such vessels the same exemption from the payment of such duties as the vessels of Sweden and Norway may enjoy in the United States.

Accept, sir, &c.,

JOHN L. CADWALADER,
Acting Secretary.

TURKISH EMPIRE.

OTTOMAN PORTE.

No. 759.

Mr. Boker to Mr. Fish.

No. 126.]

LEGATION OF THE UNITED STATES,
Constantinople, July 17, 1873. (Received August 7.)

SIR: I have the honor herewith to transmit a copy of the report of the commission which lately sat at the Sublime Porte, for the purpose of interpreting the words "*tonneau de capacité*," as found in the firman granting the concession to the Suez Canal Company, together with a translation of the same into English.

It will be observed that the commission decides against the construction put upon the phrase by Mr. de Lesseps, a judgment which would condemn the company to refund the tolls which have been paid under protest since July 1, 1872. It is not, however, supposed that Mr. de Lesseps will submit to this decision without a struggle; but that he will seek some other method of obtaining his own way, which, as a solution of all difficulties, that eminent gentleman seems to consider to be his mission upon earth.

I am, &c.,

GEO. H. BOKER.

[Inclosure.]

[From the "Levant Herald," July 17, 1873.]

THE SUEZ CANAL.

Vizierial letter to the Khedive.

On Tuesday the letter addressed to the Khedive by the grand vizier, and containing the interpretation given by the Porte to article 17 of the Suez Canal concession, was communicated to the foreign representatives at Constantinople.

The following is a translation of this document:

HIGHNESS: As your highness is aware, the Suez Canal Company was in the habit,

from the opening of the canal up to the 1st July, 1872, of levying a due upon vessels passing through the canal of 10 francs for every ton registered upon the ship's papers, without this mode of levying being confirmed by the imperial government. Since the 1st July, however, the company has, also without the sanction of the Turkish government, levied the same due according to a new system which it has adopted for the measurement of vessels. This measure did not fail to excite the protests of foreign powers.

It was agreed between the latter and the canal company to refer to the imperial government for an interpretation of the clause in the concession accorded by the Egyptian administration to the Suez Canal Company, on the 2 Rebi-ul-enel, 1272, and confirmed by imperial *firman* on the 2 Zilcadé, 1282, whereby it is laid down that the due upon vessels passing through the canal shall not exceed 10 francs per "ton of capacity."

Consequently, and seeing the necessity of removing all grounds for the existing protests by elucidating this clause, the council of ministers has deliberated on the question, and has studied it attentively and profoundly. Now, in ratifying the act of concession above mentioned, the Porte has never, in reality, understood the expression "ton of capacity," occurring in a certain passage of the concession, otherwise than in an absolute sense; it has understood the expression in the sense of the tonnage specified on the papers of vessels belonging to different nationalities. For it is obvious that vessels of every nation traversing the canal must be subjected, according to the provisions of the concession, to an equal tax. As, however, the different governments have not yet adopted a uniform system of measurement for their vessels, it was necessary to employ the expression "ton of capacity" in general, so that the expression should be applied to the uniform measurement which would later on be adopted by every government as well as by the imperial government for its marine. According to this order of ideas, it would be natural to adopt a system of measurement which would give the available capacity with the closest approximation. As, therefore, the Moorson system is evidently the one which approaches the most of all the existing systems of measurement to the available capacity of vessels, the Sublime Porte is of opinion that the net tonnage fixed according to that system should be adopted. In case, however, that the powers, or M. de Lesseps, should not agree to maintain this system, it will be necessary to convoke an international commission for the purpose of choosing an available system of measurement. For it is evident that the imperial government cannot select a definitive tonnage measurement which has not yet been approved and adopted by the other powers.

Such being the result of the debate of the council of ministers, and His Imperial Majesty to whom their decision has been referred having approved of this decision, I hereby inform your highness of the said decision, in order that your highness may take your measures in consequence.

SUBLIME PORTE, 17 Djemazi-ul-evvel, 1290.

No. 760.

Mr. Boker to Mr. Fish.

No. 128.]

LEGATION OF UNITED STATES,
Constantinople, July 22, 1873. (Received August 16.)

SIR: I have the honor to say that a memorandum has been addressed to this legation by the Sublime Porte, requesting me to give public notice to the citizens of the United States that, in consequence of the state of suffering to which the Vilayets of Aleppo, Syria, and Adana have been reduced by the present scarcity of cattle, the exportation of beasts of burden from the ports of Beirut, Mersina, and Alexandretta will be interdicted for four years from the present date.

Publication of the above decree in the United States is requested by the Ottoman Government.

I am, &c.,

GEO. H. BOKER.

No. 761.

Mr. Boker to Mr. Fish.

No. 129.]

LEGATION OF UNITED STATES,
Constantinople, July 29, 1873. (Received August 25.)

SIR: In my dispatch No. 126 I had the honor to transmit to the Department a copy of the letter addressed to the Khedive by the grand vizier, containing the interpretation given by the Sublime Porte to article 17 in the charter of the Suez Canal Company. This document, * * * * *, unsatisfactory as it was, was yet considered to be sufficient to settle one branch of the question of the tolls, by compelling the company henceforth to adopt the Moorson system of measurement, and to levy tolls upon the net tonnage only, leaving the matter of reclamation for the illegal dues heretofore collected under protest to be settled in some way yet to be determined.

Great was the astonishment of the friends of the shipping interest to learn that the Khedive understood the vizierial letter to be entirely in favor of the views of the company; that it declared nothing as to the illegality of the company's present method of measuring ships and charging tonnage-dues, and that it bound the company to no prescribed course for the future, unless with the company's own consent. The opinions expressed in the vizierial letter were understood to be mere opinions, advisory and not authoritative, which still left the question in the hands of the company, and relieved the Sublime Porte of responsibility by referring the matters in dispute to a proposed international commission.

On being pressed by the representatives of the mercantile interest, the Khedive wrote to the Sublime Porte, asking for an explanation of the vizierial letter. This drew forth a reply from the grand vizier, a copy of which I inclose, and I believe that the Department will agree with me, that if the Khedive's own sphinx had uttered the answer, it could not have been darker and more enigmatical. The reply confirmed the Khedive in his previous course, the secret motive of which I suspect to be that he wishes to show to the powers that they cannot get along without sanctioning his scheme of Egyptian judicial reform, and thus bringing the affairs of the Suez Canal Company under the jurisdiction of the proposed tribunal. The present position of the question seems to be, that the Suez Canal Company may disregard all that has been written on the subject of the tolls by the Sublime Porte, that the company will be countenanced in that course by the Khedive, and that it will be the interest of the company to postpone to the latest date the assembling of the projected international commission, to the possible decrees of which the company has not yet even agreed to submit. As there must be an interval between the date of the promulgation of the vizierial letter and the assembling of the international commission, it is natural that those who represent the mercantile interests should desire to know what will be the system of measurement and the rate of tolls authorized by the Sublime Porte during that interval, irrespective of the action of the company, which it needs no prophet to predict. I accordingly addressed a letter of inquiry on the subject to the Sublime Porte, a copy of which I inclose, and in that movement I acted in harmony with a majority of my colleagues. It is proposed that the meetings of the international commission above referred to shall be held in the city of Constantinople, and in that case it will be no easy matter to obtain delegates to represent our interests. I know of but two gentlemen whose mercantile experience would fit them to sit as American commis-

sioners, Mr. William R. Page, the United States consul at Port Said, and Mr. George M. Braggiotti, a shipping merchant of this city. If the services of these gentlemen are thought to be desirable, some provision must be made for the payment of their expenses while in the performance of their duty. The other powers will be represented by experts, sent here by the various governments at high rates of compensation, and I deem it proper that we should not be unrepresented in the commission. I therefore respectfully request instructions on the subject.

I have, &c.,

GEO. H. BOKER.

[Inclosure 1 in No. 129.—Translation.]

Vizierial letter addressed to the Khedive under date of the 24th Djemazi-ul-evvel, July 19th, 1873.

HIGHNESS : I have had the honor to receive the letter to which your highness was pleased to write to me under date of the 22d Djemazi-ul-evvel, 1290, (July 17, 1873,) to ask me some explanation relative to the vizierial dispatch concerning the decision which was made by the Sublime Porte in the matter of the tonnage to be used in determining the dues which are to be collected from vessels passing through the Suez Canal.

As is known to your highness, the Suez Canal Company had recourse to the decision and the opinion of the imperial government for the settlement of that question.

As your highness will observe also by reading the before-mentioned dispatch, the Sublime Porte having thoroughly taken in hand the interests and the rights of the company, it becomes evident that in this point of view there should arise no difference; but if the company insist upon acting contrary to the opinion of the Sublime Porte, then the case should be examined into by an international commission, as is established in the general disposition of the decision. As that decision was communicated directly to the powers by the Sublime Porte in the same manner and in the natural order of affairs, your highness should transmit it to the company. In consequence, your highness is requested to communicate the above decision, as has been already stated, so that if there may be on the part of the company any opposition or pretext whatsoever, it may not pass unobserved. Of course, your highness will cause the case to be made known to the Sublime Porte with the objections brought forward, so that recourse may be had to the commission.

[Inclosure 2 in No. 129.]

Note verbale : Suez-Canal dues.

No. .]

LEGATION OF THE UNITED STATES OF AMERICA,
July 28, 1873.

The legation of the United States of America desires to address to the Sublime Porte the following inquiry :

Inasmuch as the vizierial letter addressed to His Highness the Khedive of Egypt concerning the tonnage-dues now levied by the Suez Canal Company, which letter was communicated to the foreign representatives on the 15th of July, 1873, seems to admit of opposite constructions, and is in no way a satisfactory solution of the question proposed, nor such a one as the representatives of the foreign powers had a hope to expect; and as a settlement of the points at issue is referred to, and still seems to depend upon the decision of an unappointed international commission, yet to be authorized and assembled; therefore the legation of the United States of America wishes to know what, according to the understanding of the Sublime Porte, is the present position of the affair, and under what system and at what rates the Sublime Porte will henceforth authorize the Suez Canal Company to collect tonnage-dues upon the shipping of the United States of America passing through the Suez Canal between the 15th day of July, 1873, and the date of the decision which may be promulgated hereafter, if all the parties in interest should agree to recognize its decrees by the proposed international

commission. The Sublime Porte must clearly perceive that the present situation is one of doubt and uncertainty, notwithstanding the opinion expressed by the Sublime Porte in favor of the Moorson system of measurement, and the duty enjoined upon the Suez Canal Company of levying tolls upon the net tonnage of ships as calculated under that system. The legation of the United States of America, desiring to conform to the principles which may have been established in regard to the tonnage-dues of the said canal by the Sublime Porte, and to instruct our ship-masters and others interested accordingly, requests that the Sublime Porte will return an early and conclusive answer to the foregoing inquiries.

No. 762.

Mr. Boker to Mr. Fish.

No. 133.]

LEGATION OF THE UNITED STATES,
Constantinople, August 13, 1873. (Received September 4.)

SIR: I have the honor herewith to inclose a second circular-letter from the Sublime Porte, together with a translation of the same, on the question of the tolls charged by the Suez Canal Company. This letter, like the first, is regarded by a majority of the foreign representatives as another effort on the part of the Sublime Porte to avoid all responsibility, either toward the powers or the Suez Canal Company. The character of the letter is advisory and not mandatory, and a full settlement of the question is still referred to the proposed international commission.

This commission will assemble at Constantinople on the 15th day of September next; and, in consequence of the nearness of that date, I am greatly embarrassed about the appointment of delegates on our part. In my opinion, we should be represented in the commission; and, if the Department agree in that opinion, I beg that instructions upon the subject may be sent to me by telegraph.

I have, &c.,

GEO. H. BOKER.

[Inclosure in No. 133.—Translation.]

Circular-letter of the Sublime Porte..

SUBLIME PORTE, DEPARTMENT OF FOREIGN AFFAIRS,
August 6, 1873.

SIR: By its circular-note dated July 16, and sub-No. 3540, 29, the imperial department of foreign affairs communicated to the legation of the United States of America the Vizierial letter directed to His Highness the Khedive, relative to the dues of the Suez Canal. If reference were to be made to the terms of the beforementioned letter, one would be easily convinced that the import of the clauses of the concession act, as well as the manner according to which they might receive their practical application, by adopting the net tonnage of the Moorsom system are indicated as clearly as could be permitted by the state of the question.

The interpretation asked of the government, which is the author of the concession, was intended to obviate the uncertainty to which the text of article 17 had given rise. That object is now attained. The Vizierial letter will clear up in the future the obscurity or the silence of the original text of the concession; and it is evident that the party who will not act conformably can but assume entirely the responsibility of acts executed towards third persons.

It is right to add that the Sublime Porte is ignorant at this present moment of the course which the company will adopt, and, until contrary evidence on its part, one should suppose that it will not deviate from what legality dictates. Consequently nothing authorizes a discussion of the possible consequences of suppositions which hardly involve a character of existing and actual interest. It is moreover established that the final

settlement of the debated question is subordinate to the decision of the international commission which is to convene very shortly. Therefore, under these present circumstances, and in order to avoid every misunderstanding, the Sublime Porte deemed it expedient to address to His Highness the Khedive a new letter in the sense of the beforementioned considerations; and the imperial department makes haste to inform the legation of the United States that the letter has already been handed to His Highness.

Accept, &c.,

RASCHID.

No. 763.

Mr. Boker to Mr. Fish.

No. 134.]

LEGATION OF UNITED STATES,

Constantinople, August 14, 1873. (Received September 4.)

SIR: I have the honor herewith to transmit for consideration a proposed form of adhesion to the project of Egyptian judicial reform, intended to be signed by the representatives of the foreign powers, as their governments may agree to the measure. The conditions of this document impose still stricter limits upon the time given to the Egyptian government for the trial of the reformed judicial system; for, instead of authorizing the extension of the experiment over a period of five years, as agreed to by the commission, the arrangement may be terminated at any time that it may be pronounced to be unsatisfactory by the contracting powers. Even to this stipulation the Egyptian government has cheerfully acceded, willing to agree to anything that will enable the Khedive to put the new tribunals to the proof of practice, believing, as he confidently does, that they need but be tested to demonstrate their entire success to the satisfaction of the powers. Bound, as the Khedive now is, by restraining agreements, there can be but little danger in permitting him to act as he can in his fettered condition; for the whole future of the question of judicial reform is safely lodged in other hands.

The danger that the Ottoman government, or any province of the empire, should demand the same privileges as may be accorded to Egypt, no longer exists; since, by the terms of the firman recently granted by the Sultan, the Khedive has been empowered to make any arrangements that he may think necessary for the internal affairs of Egypt, without further authority from the imperial government.

The fact that the United States was not the first power to authorize the plan of judicial reform seems to be a cause of surprise and regret to the Khedive, who has, on more than one occasion, expressed himself to me in that sense. Considering the warmth with which the gentleman who was then United States consul-general in Egypt entered into the original scheme, almost shaping by his counsels the work of the first commission to his wish, the proverbial liberality of our Government toward all nations, particularly toward the weak and the oppressed, the alacrity with which we have conceded to communities of men the right of self-government, and all the minor rights which necessarily spring from that great principle, the Khedive's astonishment and chagrin at our unusual course appears more to be regretted than to be wondered at. If in the present position of affairs some concession to the principle of the judicial reform, or some assurance as to our future action regarding it, could be given by us to the Khedive, that would tend to better his

feelings toward our country, in which at present there is something to be desired.

At this date the following powers have accepted the terms agreed to by the late commission: England, Italy, Belgium, Holland, Greece, Sweden and Norway, and Germany, subject in the case of the latter government to ratification by the Reichstag.

I have, &c.,

GEO. H. BOKER.

[Inclosure in No. 134.—Translation.]

Proposed form of adhesion to the Egyptian judicial reform.

Recognizing the utility of the judicial reform in Egypt, and considering the guarantees offered by the government of His Highness the Khedive to be sufficient as regards cases of a civil nature, the representatives of the powers near the Sublime Porte declare their readiness to recognize, by way of experiment, the establishment and the action of the new Egyptian courts, with the attributes and the competency conferred by the draught prepared by the commission which met at Constantinople. It is understood that the question cannot be finally decided until the new judicial organization shall have been practically tested.

The cabinets will formally approve the judicial reform if, on the expiration of the probationary term agreed upon, viz, five years, it shall be evident that it fully answers the requirements of the situation and of the interests of foreigners residing in Egypt. If, however, the Egyptian government shall not fulfill the stipulations made by the commissions, the cabinets shall have the right to demand such modifications as they may deem necessary, or even to return to the former state of things before the expiration of the probationary period.

No. 764.

Mr. Boker to Mr. Fish.

No. 137.]

LEGATION OF THE UNITED STATES,

Constantinople, August 25, 1873. (Received September 15.)

SIR: I have the honor to say, in reply to dispatch No. 120 from the Department of State, asking for information concerning the traffic in African slaves carried on with the Levant, via Malta, that the result of my inquiries convinces me that, to a limited extent, such a trade is in existence. I have had sufficient assurances, both from the British ambassador at Constantinople and from the Ottoman government, that this commerce prevails notwithstanding their best efforts for its suppression. I have been further assured by the British ambassador that in any measures which we may take for the extinction of the abominable traffic we may depend upon the hearty co-operation of his government.

By referring to my former dispatch on this subject, No. 81, under date of March 18, 1873, it will be seen that just previous to that date stringent instructions had been issued by the British government to the governor of Malta concerning the transportation of slaves in British vessels touching at that island. The adroit precautions taken by the slave-dealers to avoid detection were also mentioned. So skillful are these arrangements, that while an examining officer might be morally certain that a group of slaves was before his eyes, he could find no legal pretext for disturbing the so-called "family" of the dealer.

To anticipate the stricter scrutiny at present in force at Malta, it is now the practice to provide each slave with regularly executed papers of manumission, which are exhibited at Malta and at the port of destination, and destroyed on the disembarkation of the slaves. The

poor creatures are, of course, no more aware of the meaning of the charter of freedom, which they take and give up with equal docility, than though it were a papyrus coeval with Cheops.

Notwithstanding the obstacles thus thrown in the way of a legal emancipation of slaves transported under the protection of the British flag, which the authorities at Malta may plead in abatement of our indignation, the British government has lately informed the governor of Malta that it is far from satisfied with the result of his preventive measures, and it is hinted that there is a thought of replacing him with some one who will look more to facts and less to legal forms.

In my previous dispatch I also mentioned the real or feigned activity of the Ottoman authorities in searching for slaves in vessels arriving at this port from Africa, and of the zeal with which papers of manumission are thrust into the hands of every negro suspected of the slightest taint of slavehood. I have some doubts of the genuineness of this ostentatious display of virtue. It is performed with too much noise, too much parade, and too much is said to the simple public about the matter. I do not observe that the number of slaves is diminishing in Constantinople, not even of eunuchs, which latter sexless things should be on the decline were there not a regular source of supply and a way of importation, which are kept carefully hidden from all but the faithful.

Perhaps the clamor made by the Turks over the introduction of African slaves is for the purpose of leading our eyes away from the much greater and more nefarious traffic in female slaves for the harem which is carried on from the north by way of the Black Sea. Abhorring, as all Christians must, this latter infernal trade in helpless women, whose very charms and lovely sensibilities—gifts which to a higher degree give them a natural right to freedom—are used but to increase their price to the chaffering sensualist, I am astonished that such representations have not been made to the Russian government as would induce that power, in the name of our common humanity, to put down this business with the strong hand, if need be. Holding the key of the Caucasus and dominating the Black Sea, it would cost Russia no great effort so to set her face against the commerce in women that its extinction must soon follow, and besides, if the famous “traditional policy” is yet in force at St. Petersburg, such a step would be in the line of Russia’s political interests.

While on the general subject of slavery in Turkey, permit me to call the attention of the Department to that branch of it which relates to trade in eunuchs, carried on between Egypt and the Levant, and which, I believe, might be suppressed by a joint action of the powers, the more surely at the present time while the Khedive is asking the world’s indulgence for the establishment of the Egyptian judicial reform.

These unfortunate creatures are manufactured in Upper Egypt, not one in ten surviving the barbarous operation. At an early age they are brought through the whole length of Egypt, and those that are not sold for the harems of Cairo and Alexandria are exported from the latter city to stock the harems of the Levant. In the various conversations which I have had with the Khedive and his minister of foreign affairs on this subject, they have invariably replied to me with complacent irony: “The eunuchs are made by Christians in a region beyond our jurisdiction, and in purchasing them we greatly better their condition.” These unqualified facts, facts though they are, involve a fundamental lie when unexplained. Without the encouragement of the harem system of the Turkish Empire, eunuchs would not be made at all. The producers of them, the Copts of Upper Egypt, Christians in name,

would disgrace any religion that was ever contrived by pagandom. Over the region which the Egyptian government affects to have no jurisdiction it has nevertheless perfect control; or, granting the official assertion to be true, it is equally true that the trade in eunuchs could not exist for a day after the Khedive prohibited their transportation through Egypt. I beg the Department to consider the above suggestions; for, leaving religion out of the question, the horrible practice of eunuch making and selling, which exists only because of the Turkish market for these maimed beings, is a reproach to any organized government, whether living under the law of the Bible or the Koran.

While there is no denial of the fact, inquired of by the Department, of transportation of African slaves in British ships via Malta, lapse of time and the vague information furnished by the Department's dispatch render it impossible for me to give more than a general reply to the inquiry, or to point at present to a particular case in illustration of an abuse, the truth of which is admitted even by the British government.

If, however, the Department will instruct the consul of the United States at Malta to telegraph to me the name and the destination of those ships arriving at Malta which may be suspected of transporting slaves for any market in the Turkish Empire, I shall take such measures as will lead to the detection of the guilty parties who connive at the wretched business, and in my effort I feel sure that I shall have the full co-operation of the British ambassador, who has already suggested to me that we should act in concert.

I shall instruct the various consuls of the United States who correspond with this legation, so that they may be ready to investigate the case of any suspected ship that I may report to them by telegraph which may arrive at their several posts. I have already requested information from the agent and consul-general in Egypt as to the departure of slaves from any port of the vice-royalty, and if the Department will instruct, or permit me to instruct, the consuls of the United States at Tangier, Tunis, and Tripoli to send me telegraphic intelligence of the name, destination, and date of sailing of such vessels as are supposed to contain slaves, I fear that we shall soon discover that as lively a trade in humanity is in progress between Africa and the ports of the Levant, although with mitigated horrors and to a less extent, as was ever carried on between the Bight of Benin and the coast of Cuba.

In accordance with the instructions of the Department, I shall continue my investigations of the matter in hand, and report any new information as soon as it may be obtained. In view of the infamous traffic in women by way of the Turkish ports of the Black Sea, to which I have alluded, all of which is conducted in Turkish steamers, it is to be desired that the post of consul of the United States at Trebizond should be filled, and that it should be made of sufficient importance to secure the services of a competent American.

I have, &c.,

GEO. H. BOKER.

No. 765.

Mr. Boker to Mr. Fish.

No. 139.]

LEGATION OF THE UNITED STATES,

Constantinople, September 4, 1873. (Received September 29.)

SIR: I have the honor to say that on the 22d of August, 1873, I received from the minister of foreign affairs the papers of which I here-

with inclose copies and translations. In accordance with the request therein expressed by the minister, on the 23d of August I sent the following telegram to the Department of State :

CONSTANTINOPLE, *August 23, 1873.*

FISH, *Secretary, Washington :*

International commission to unify tonnage and fix tonnage-dues of Suez Canal will meet here September 15. Shall I appoint two delegates. All maritime powers will be represented. Our votes important, as opinions are divided. Expenses of delegates must be paid.

BOKER, *Minister.*

I supposed that it would not be practicable to send delegates to the commission at so short a notice, and I therefore proposed to appoint such qualified persons as I might select from our citizens residing in this city. Inasmuch as there was a division of opinion among the powers, and as Russia, France, Portugal, and perhaps some other of the smaller powers, would side with the Suez Canal Company, and as in this question I had been instructed to follow the policy of Great Britain, I considered that the votes of our delegates would be more important than their views, the former of which I proposed to direct in accordance with the instructions previously received from the Department.

On the 28th of August I received the following reply to my telegram :

BOKER, *Minister, Constantinople :*

We are not formally invited to take part in the commission.

DAVIS,
Acting Secretary.

WASHINGTON, *August 27.*

I had assumed that the Department would understand that I had not acted without authority, or forgotten what was due to the dignity of the United States; hence, from motives of economy, I omitted to telegraph that my dispatch was sent at the request of the Ottoman minister of foreign affairs.

To the above telegram I replied as follows :

CONSTANTINOPLE, *August 28, 1873.*

DAVIS, *Secretary, Washington :*

Formal invitation sent me for transmission. Telegram to Government requested by minister foreign affairs.

BOKER, *Minister.*

To this dispatch I received to-day, September 4, the following reply :

BOKER, *Minister, Constantinople :*

There seems to be not sufficient time to appoint delegates, and the Treasury Department does not deem it necessary.

HUNTER.

WASHINGTON, *September 3.*

Nothing therefore remains for me to do but to inform the minister of foreign affairs that, owing to the shortness of his notice, the United States Government will be unable to send delegates to the proposed international commission.

When this dispatch reaches the Department, it will be too late to consider, with any active purpose, either my views or my possible suggestions upon the important subject, as it is universally regarded in Europe, of the Suez Canal tolls, and I shall therefore refrain from any further expressions of opinion concerning the matter. I can but conjecture why the Government of the United States should decline to take part in a commission that will be composed of delegates from all the great commercial powers, and where, as I have before said, votes will be

more valuable than theories, inasmuch as the action of the commission, be it what it may, will not be binding until its advisory decisions have been formally adopted by the various governments which it will represent.

I have, &c.,

GEORGE H. BOKER.

[Inclosure 1 in No. 139.—Translation.]

Raschid Pasha to Mr. Boker.

SUBLIME PORTE, DEPARTMENT OF FOREIGN AFFAIRS,
August 21, 1873.

SIR: I have the honor to transmit you herein inclosed a copy of my last circular forwarded to the representatives of the Sublime Porte abroad, with the instruction to notify the governments to which they are accredited of the date of the convocation of the international commission which is to meet at Constantinople with the view of determining a unification of tonnage.

In the absence of the incumbent of the imperial legation at Washington, I deemed it proper to have recourse to your mediation in forwarding this notification to the United States Government. I shall therefore be much obliged if, considering the urgency of the matter, you will communicate by telegraph to the cabinet of Washington the object of the dispatch in question.

Accept, sir, &c.,

RASCHID.

[Inclosure 2 in No. 139.—Translation.]

SUBLIME PORTE, DEPARTMENT OF FOREIGN AFFAIRS,
August 19, 1873.

His excellency Raschid Pasha to the representatives of the Sublime Porte abroad:

SIR: The decision of the imperial government relative to the dues of the Suez Canal, which I communicated to you by my dispatch dated July 19, sub-No. 35,425, 16, foresees the case which might, in consequence of a disagreement as to the application of the principles laid down by the Sublime Porte, necessitate the resorting to the enlightenment of the international commission for a definitive solution.

In that point of view, the question has, as a matter of course, been added to the prerogatives of the commission, the convocation and initiative of which the imperial government proposed by its circular dated January 1, 1873, sub-No. 33,975, 1. This last proposition having been accepted long ago with earnestness, and Constantinople having been almost unanimously designated as the place of the convocation of the commission, it has been decided that it shall convene on the 15th September proximo, so as to avoid postponing any longer a work the utility of which is felt in so imperative a manner. It has, moreover, been agreed that the participating powers should be entitled to be represented either by one or two delegates, according to their convenience. Be so good as to notify the date of the convocation to the minister of foreign affairs, (Secretary of State,) and beg him to nominate the persons whose mission it shall be to represent the Government of the United States.

No. 766.

Mr. Boker to Mr. Fish.

LEGATION OF THE UNITED STATES,
No. 146.] *Constantinople, September 19, 1873. (Received October 6.)*

SIR: I have the honor to acknowledge the receipt from the Department of State of dispatches Nos. 125 and 126, with inclosures as stated.

Great disappointment has been shown by the representatives of the maritime powers, with whose policy we have been acting in harmony, at the possibility that the United States will not be represented in the international commission that will meet in Constantinople on the 1st of October next.

As I have before stated, it is supposed that there will be no unanimity of opinion in the commission, and our support, whenever a vote might be taken, was confidently relied upon by the commercial interest, as the one thing of pre-eminent importance. It is also feared that the absence of so considerable a maritime power as the United States will afford Mr. de Lesseps a pretext for repudiating the action of the commission, should it seem to be hostile to his pretended interests, and another specious reason for persevering in his present arbitrary course. The incomplete character of the commission will also weaken the importance of its decisions in the eyes of the Ottoman government, and give to the latter a further excuse for continuing to pursue the hesitating policy with which, from the first, it has treated the question of the tonnage-dues levied by the Suez Canal Company.

Assuming that the Department desires perfect candor from its representatives abroad, even in the expression of convictions which may seem to clash with its own, I beg to say, as a near observer of the events which led to the convocation of the International Commission, that it is my decided opinion that the United States should be represented in the commission, even if the limited scientific abilities of our delegates should preclude them from doing anything but voting upon the question of the tonnage-dues charged upon the Suez Canal, and if they should be restricted to the performance of that duty under the plain instructions on the subject hitherto given to me by the Department of State.

It is not supposed that the commission will be able to elaborate any acceptable plan for a unification of the tonnage of all commercial nations. The most sanguine have abandoned the hope of such a result; but it is expected that the action of the commission will afford the Ottoman government sufficient support to give it the courage to enforce its own opinions, and to compel the Suez Canal Company to return to the original system, or to something like it, of levying tonnage-dues upon the shipping of the world.

Our delegates might also be instructed to abstain from taking any part in the proceedings regarding the unification of tonnage, and to confine themselves strictly to the question of the canal-dues. When it is considered that the decisions of the commission will not be even inferentially binding upon any government but that of the Ottoman Empire, without the formal ratification of the several powers, it is not easy to conjecture how the United States can be committed to any future policy by the proceedings of the commission, the less so since our interests and those of the other great commercial nations are identical.

In view of the above considerations, I shall withhold from the Ottoman government the intelligence of our present determination to take no part in the international commission, in the expectation that final instructions will be sent to me by telegraph, as notice of our intentions may be given to the Sublime Porte at the latest moment. To-day the Ottoman minister of foreign affairs informed me that it would not be necessary that our delegates should be present until after the commission had been in session for a fortnight; that, indeed, they should be admitted at any time they might present themselves. Some of the delegates of the powers, who are now in this city, have also professed a willingness once more to postpone the time for holding the first sitting

of the commission, with a view to our accommodation; for the strongest desire is generally expressed that the United States should not be unrepresented in a body whose deliberations and action may be of so much consequence to the commercial interests of the world.

Taking into consideration these evidences of solicitude by the representatives of so many friendly powers, I do not think myself justified in finally declining to participate in the commission until after the Department may have received the present communication.

I have, &c.,

GEO. H. BOKER.

No. 767.

Mr. Boker to Mr. Fish.

No. 151.]

LEGATION OF THE UNITED STATES,
Constantinople, October 3, 1873. (Received October 30.)

SIR: I have the honor to say that this morning, at 9 o'clock, I received the following telegram, in cipher:

BOKER, *Minister, Constantinople*:

The accompaniment to your 139 is the notification of time; not a sufficient invitation.

You will keep me advised of what takes place, but will take no part in the convention.

FISH.

WASHINGTON, *October 2.*

In reply to that part of the telegram which pronounces the invitation to send delegates to the international tonnage commission as not sufficient, I can but say that the Ottoman government meant the letter from the minister of foreign affairs, which accompanied my dispatch No. 139, to be a full and formal invitation to us to be represented in the commission. If, as Raschid Pasha says in his letter, there had been an Ottoman minister in Washington the Government of the United States would have received the same invitation which was transmitted to the other powers through the Ottoman representatives at the various European capitals. Perhaps in my desire to save expense in telegraphing, the message which I sent to the Department at the request of the minister of foreign affairs was not sufficiently full and explicit to be properly understood; so that enough time was not given to enable the Government to make the necessary arrangements to be fitly represented in the commission. I, however, at no time supposed that we could send other delegates than such persons as I might be authorized to select from among our citizens residing in this city. When I wrote dispatch No. 139 there was no intention expressed of postponing the first meeting of the commission until October 1, a postponement which has since been prolonged to October 6, and which would be further extended could I, in requesting it, assure the Ottoman government that such a step would lead to our being represented in the commission.

There can be no doubt that the Ottoman government is satisfied that its whole duty has been done, according to all the requirements of international courtesy, in the form of the invitation which has been transmitted to us; for the minister of foreign affairs and the under secretary

have both, on more than one occasion, expressed to me their concern at the non-appointment of the American delegates, and their great desire that we should not be unrepresented in the commission. This feeling also exists to a yet higher degree among the representatives of the great commercial powers, all of whom openly deplore our seeming neglect of what they consider to be one of our important future interests.

I cannot suppose that the circular, under date of January 1, 1873, in which the holding of the commission was originally proposed by the Ottoman government, was not communicated to the Government of the United States. That we, with the other powers, were duly notified of the proposition, is assumed, as a matter of course, by the minister of foreign affairs, and to that notification the circular of August 13, 1873, forms the natural sequence, and embodies the final invitation. If a copy of the circular of January 1, 1873, was not furnished to the Government of the United States by the Ottoman minister, then in Washington, he neglected a grave duty that will be a serious cause of annoyance to the present ministry.

There have been three complete changes in the Ottoman government since the first of the year; but so far as can be ascertained, in a matter in which no other hypothesis is considered to be admissible, Blacque Bey was instructed to make the same communication to the Government of the United States by virtue of the circular of January 1, 1873, as was made by the representatives of the Sublime Porte to the governments of the other powers. If the Department should inform me that no such communication was received from the Ottoman minister at Washington, that strange omission will be a sufficient answer to the regret expressed by the Sublime Porte at our declining to join in the commission.

There is little reason to suppose that the question of a typical tonnage will engage the serious attention of the commission, or that any decision on that score will be made other than in favor of the Moorson system, as understood and applied by us, regardless of the arbitrary theoretical objections advanced by Mr. de Lesseps. It is now believed that the real action of the commission will be narrowed down to determining what rate of tolls the Suez Canal Company has been, is, and will be authorized to charge under the terms and according to the intention of the firman of concession granted to that company by the Sublime Porte. As I have before said, opinions are divided on the question, and, in the main issue, votes will be of more avail than theories. Hence it is that the commercial powers will miss the presence of our delegates in the commission; for the vote, to be efficacious in steadying the hesitating Porte, or in prevailing over the headstrong chief officer of the canal, must be overwhelming.

I have, &c.,

GEO. H. BOKER.

No. 768.

Mr. Boker to Mr. Fish.

No. 152.]

LEGATION OF THE UNITED STATES,

Constantinople, October 6, 1873. (Received October 30.)

SIR: I have the honor to say, in reply to dispatch No. 129, of September 12, 1873, relative to the question of Egyptian judicial reform, that

the Khedive himself would hardly venture to express disappointment with the course of the Government of the United States, had he, in his proposed tribunals, designed to try Christians by Mahometan judges or under any of the forms of Mahometan law. According to the plan submitted, a majority of the judges will be Christians, virtually appointed by the great powers. Christian testimony will be admitted before the courts upon the same footing as Mahometan, and the laws under which justice will be administered will be based upon the Napoleonic code as it is now established in France.

Unless I have spoken a great deal to little purpose, and have heard assent where there was no understanding, the Khedive fully comprehends the process necessary to obtain the assent of the United States to his scheme of judicial reform. It seems that what he hoped for was that the Government would accord to the plan a qualified sanction, subject to ratification or rejection by the Senate on the meeting of that body. Since the formation of the plan by the consular commission in Egypt, in which our representative acted so conspicuous a part, the Khedive has had hard and up-hill work with his darling project. Many years have been passed in securing for it a position from which negotiation might be attempted. Among despotic governments he has met with the opposition which he expected. From the United States and from England he looked for a cordial support, which he has obtained from the latter only, at a great shock to his preconceptions as to the liberality of our Government. Something may in fairness be pardoned to a man who is most disappointed in that quarter from which he had been deriving the most hope.

At the close of dispatch No. 129 it is said that assent to the plan of Egyptian judicial reform can only lawfully be given by means of a new treaty with Turkey. An examination of the firman, recently accorded by the Sultan to the Khedive, shows that henceforth the latter will be empowered to make such treaties with foreign powers as relate to the internal government of Egypt. The clause in question was introduced for the sole purpose of enabling the Khedive to negotiate independently with foreign governments all matters pertaining to the changes necessary to establish judicial reform. It will be with Egypt, therefore, and not with Turkey, that, in courtesy, we should attempt to negotiate the proposed treaty. I believe that it would be dangerous to unsettle any of the stipulations of the ancient capitulations and treaties with Turkey, or to agree to accord to her the same privileges which we might safely grant to more civilized Egypt. The day is not far distant when, on notice from either party, the treaties between Turkey and the foreign powers may be made to expire by limitation. Already there is talk among the Turks of giving the necessary notice—of abolishing the capitulations, of abrogating all unreciprocated privileges, and of insisting that henceforth Turkey shall negotiate treaties with foreign nations only upon strictly equal terms. If the present policy of Great Britain should endure, Turkey will be sustained in her demands by the influence and the example of the former power. I should doubt the wisdom of so complete a revolution in the relations now existing between foreigners and Turks, particularly in the provinces, but we, nevertheless, may soon be called upon to meet the difficulties of the question.

I have, &c.,

GEO. H. BOKER.

No. 769.

Mr. Boker to Mr. Fish.

No. 162.]

LEGATION OF THE UNITED STATES,
Constantinople, November 8, 1873. (Received December 8.)

SIR: I have the honor to say, in reply to dispatch No. 139 from the Department of State, relating to the form of the invitation which was extended by the Ottoman government to that of the United States, to send delegates to the international tonnage commission now sitting at Constantinople, that, after diligent inquiry, I find that no other invitation, notification, or communication of any kind was received by any other foreign power, that was not also addressed to the Government of the United States, viz: the communication of January 1, 1873, and the notification of the time at which the first meeting of the commission was to take place, dated August 13, 1873. The following extract from a private note addressed to me by the British ambassador near the Sublime Porte, exhibits the manner in which the Department was misled, owing to a misapprehension on the part of Sir Edward Thornton as to what communications had been received by the British government regarding the convening of the commission:

My government never received any other invitation to the tonnage commission than that of the 1st of January, and the one, afterwards, fixing the day of meeting. Some time before the invitation of the 1st of January was sent, I had told my government that the Porte proposed to suggest an international commission, and the foreign office chose to assume this to be an invitation, and recommended its acceptance upon the other governments. It was then that Sir E. Thornton asked your Government to join, and Mr. Fish answered that they would; but at that time no official intimation of any kind had been received from the Porte on the subject, and if you have had the two notifications that I have alluded to, you have had as much as any one else.

I can understand that Sir E. Thornton's communication must have conveyed the impression that an invitation had then been sent by the Porte to us, but such was not the case.

* * * * *

I trust that the foregoing will place the matter of the invitation to us to participate in the tonnage commission in a clear light, and will assure the Department that I never have failed, and never shall fail, to insist that the same privileges and courtesies shall be shown by the Sublime Porte to the Government of the United States as may have been, or may be, accorded to that of any other great power.

The doubt expressed by Mr. Goodenow and myself in previous dispatches as to whether the proposed international commission would ever be convened, was shared by the representatives of the other foreign nations at the time our communications were made. It was hoped that a decision by the Ottoman commission, that was then sitting, would settle the whole question of the tonnage charges of the Suez Canal Company and thus dispense with the necessity of convoking an international commission. The Sublime Porte was, however, intent on avoiding responsibility for the increased charges which had been paid under protest, and hence its reluctance to complicate itself either by justifying or condemning the course of the canal company, and the last chance for escape from the difficulty which it endeavored to obtain by the assembling of an international commission.

The Sublime Porte assumed that proper ground had been laid for convening the commission by the communication made to the powers by its foreign ministers under date of January 1, 1873, and that the notification as to the time of meeting, furnished August 13, 1873, was a sufficient completion of the ceremony of invitation. If His Excellency

Blacque Bey did not give to the instruction of January 1, 1873, the form of an invitation to the Government of the United States to be represented in the commission, he failed to fulfill the intention of his government, and also to act in accordance with the course pursued by the other representatives of the Sublime Porte in foreign countries. I trust that the Department will be satisfied with the above explanation, for the suggestion that any form of courtesy could have been omitted by the Ottoman government in its intercourse with that of the United States has been a matter of deep chagrin to the Ottoman minister of foreign affairs, whose whole course in his official relations with me has been one of exceptional respect and of unfailing kindness. The objection made by the Department that the shortness of the notice given for the meeting of the commission was an insuperable obstacle in the way of appointing delegates on the part of the United States, is certainly unanswerable. All the information that I received from the Sublime Porte as to the determination to convene the commission, and as to the time for its meeting, was the sudden announcement made in the official note of August 13; a note written, as I understand, without any previous consultation with the representatives of the foreign governments, and which was sent to me some days after it had been communicated to the other powers by telegraph through the Ottoman diplomatic representatives, who had already arranged the acceptance of its terms with the various governments of Europe. If I had received an intimation that this arrangement was about to be made, I should have insisted that such a time should have been fixed for the meeting of the commission as would have been convenient for the sending of delegates by the Government of the United States. I shall make such representations to the Sublime Porte as will secure consideration to our geographical position when hereafter it may be proposed to hold any international conference at Constantinople. As yet nothing definite has been accomplished by the tonnage commission. In such test votes as have been taken, France and Russia have invariably voted on the side of the pretensions of the Suez Canal Company, and all the other powers on the side of the commercial interest, the vote standing two to ten.

I understand that a compromise, the terms of which have not been agreed upon, is in favor with a majority of the delegates, and that unless such an arrangement be made, the canal company will probably endeavor to repudiate the authority of the commission, as a body by whose decisions the canal company never agreed to abide. I herewith inclose a copy of the instructions issued by the Sublime Porte to the Ottoman delegates in the commission, together with a translation of the same.

I have, &c.,

GEO. H. BOKER.

[Inclosure.—Translation.]

Instructions for the delegates of the Ottoman government.

The idea of the imperial government in convoking the international tonnage commission was set forth in a circular of the ministry of foreign affairs, dated January 1, 1873, of which I think it useful to record here the text.

“The wish of the imperial government to assure an equal treatment to all vessels, without distinction of the flag, which frequent the ports of the empire, and the difficulties which arose in consequence of the recent modification introduced into the gathering of the navigation-taxes paid by the vessels crossing the Suez Canal, gives us the assurance that a step aiming to lead to the adoption of a uniform tonnage will be received with favor by the maritime powers. Thanks to the development of the ways

of communication, the relations of the people among themselves have been greatly extended. From this has resulted a solidarity of interests which, considered from the point of view of maritime commerce, tends to the extinction of the measures of protection established in favor of the national flag. On the other hand, the progress of science is such in our days that we may determine with precision the dimensions of a vessel and its capacity employable for the transport of goods.

"Nor does the imperial government doubt that a commission of learned and experienced persons will succeed in finding a uniform mode of measuring vessels and fixing a standard tonnage, serving at the same time as a base for commercial transactions and for the levying of the tolls to which navigation is subject. The imperial government instructs, in consequence, you to ascertain how the government to which you are accredited will view the institution of such a commission at London, the center of maritime commerce, or at Constantinople."

This was then the idea of the imperial government, and the event which succeeded only confirmed the consideration on which it had relied for requesting the co-operation of instructed persons of the principal maritime states in order to regulate this question, which is of so general an interest. The promptness which these powers showed in responding to the invitation which has been addressed to them would alone suffice to show the justness of the ideas which induced such a step. Yet I do not find it inopportune to insist here with some detail on the particular circumstances which justify the initiative taken by the Ottoman government, and which explains the perseverance shown by it in demanding this re-union.

On the 2d Zilhidjé, 1282, (19th March, 1866,) the Ottoman government accepted and approved with an imperial firman the contract concluded the 22d February, 1866, between his highness the Khedive on one side, and Mr. de Lesseps on the other side, in regard to the construction of the Suez Canal. This contract confirmed among others the act of concession accorded previously to Mr. de Lesseps on the 5th January, 1856, and the seventeenth article of which contains, textually, what follows:

"In order to indemnify the company for the expenses of construction, of keeping in repair, of operating, which are at its charge, by these presents we authorize it from this day and during the continuance of its privileges, as determined by the first and third paragraphs of the preceding article, to establish and to collect charges for the passage of the canal and the dependent ports, the rights of navigation, pilotage, towage, moorage, or stationing, according to tariff, which it may modify at any period, under the express condition—

"1st. To collect these tolls, without any exception or favor, on all ships in identical conditions.

"2d. To publish tariffs, three months before their enforcement, in the capitals and principal commercial ports of the countries interested.

"3d. Not to exceed for the special toll of navigation the maximum rate of 10 francs per ton of capacity for the vessels and per head of the passengers."

In execution of the above-cited article the company published on the 17th day of August, 1869, the first regulation of navigation of the Suez Maritime Canal, of which article 11 is as follows:

"The payments are calculated on the real tonnage of the vessels, as to the duties of transit and the expenses of towing and of moorage. This tonnage is to be determined, until further notice, according to the official papers of the vessels. The transit duty from one sea to the other is 10 francs per measured ton and 10 francs per passenger, payable at the entry at Port Said or at Suez. The tonnage expenses are fixed at 2 francs per ton."

In consequence, the duties of navigation collected by the company since the inauguration of the canal have been calculated on the tonnage as shown by the papers of the vessels. But on the 4th of March, 1872, the company published a new act of navigation, of which the twelfth article established the manner in which these duties would be collected from the 1st day of July, 1872.

The article is as follows:

"From the 1st day of July, 1872, the universal company of the Suez Maritime Canal will collect the special toll on navigation of 10 francs per ton on the real capacity of vessels.

"2d. The gross tonnage inscribed on the papers of the ships, measured according to the English method now in use, will serve as basis for this collection.

"3d. The vessels of any nation whose papers do not exhibit this tonnage according to the aforesaid method will be measured by the means of the method annexed to the present regulation.

"4th. Vessels which have no official papers, or those which have but incomplete ones, will be measured by the agents of the company according to the rule now in use in England to measure loaded vessels.

"5th. All spaces covered permanently or temporarily, which are not included in the

official tonnage of the vessels, will be measured by the agents of the company according to the rule now in use in England. The tonnage obtained will be liable to taxation.

"6th. National vessels will be treated for the collection of dues to the company conformably to the rules applied to commercial vessels. The dues of 10 francs for each passenger, as well as the dues for transit, will be payable in advance, on entrance at Port Said or at Suez.

"The dues for moorage or anchorage at Port Said or at Ismailia and before the terreplain of Suez are fixed at 02 centimes per ton for each day, after a stoppage of twenty-four hours at the position assigned by the harbor-master, and whatever the length of the stoppage may be. These expenses are payable every ten days.

"Errors in the declaration of tonnage or in collecting the dues shall be rectified during the month which follows the passage of the vessel. After this delay rectifications will not be allowed. No erroneous application of the tariff shall be invoked as a precedent against the company.

"N. B.—Although adopting as a basis for the collection of the tonnage-dues the mode of measurement according to the method indicated, the Suez Canal Company do not renounce for the future the application of any new mode of measurement which may be presented with advantages of precision superior to those of the present method."

In order to justify the abandonment of the previous system of collections the company alleges, first, the insufficiency of the valuations shown in the official papers; second, the inequality of treatment which certainly could not fail to result from it to the express stipulations of the act of concession.

As to the correctness of the mode of measurement adopted by the company, it was backed by the advice of a commission of competent men, which the company took care to consult before its new publication. This measure of the company, which charged vessels with a taxation higher than that which they had paid until then, provoked certain claims. The different marines interested asserted that the tolls collected in that way surpassed the maximum limits indicated in the act of the concession. The company on its side, in numerous communications which it forwarded to the Sublime Porte by means of Mr. de Lesseps, did not cease to invoke the act of concession in order to prove the legitimacy of its proceedings. Soon after, and without stopping for an examination of the process of measurement adopted by the company, several powers addressed themselves to the Sublime Porte in order to obtain from it at first the official interpretation of the words of the act of concession which served as basis to the tolls collected by the company. As author of the concession, the Sublime Porte did not think it advisable to refuse the interpretation which was asked with urgency from it, and this interpretation has been set forth in the vizieral letter addressed on the 17th Djemaziul-Ewel, 1290, to his highness the Khedive, and the tenor of which is as follows:

"As your highness knows, since the opening of the Suez Canal up to the 1st of July, 1872, the company collected as passage-dues from the vessels traversing the canal 10 francs for each ton inscribed on the official papers, without that collection being confirmed by the imperial government. But since the 1st of July the company proceeded, always without previous authorization of the government, to the collection of the same tolls according to the new system adopted by it for the measurement of vessels. This proceeding did not fail to induce reclamations on the part of certain powers. The latter as well as the company addressed themselves to the imperial government for the interpretation of the clause of the act of concession accorded on the 2d Rebbi-ul-Ewel, 1292 (1282) by the Egyptian administration to the Suez company, and confirmed by the imperial firman of the 2d Zilcadé, 1282, stating that they will not exceed in the tolls for navigation the maximum rate of 10 francs per ton of capacity. In consequence, and seeing the necessity of removing the existing claims by fixing the interpretation of that clause, the council of ministers deliberated on that question, and submitted it to an attentive and profound examination. Now, in ratifying, as heretofore is said, the act of concession before mentioned, the imperial government did not mean really the expression of ton of capacity, which occurs in a passage of that act, in any but an absolute sense; it had not in any way in view the tonnage inscribed on the official papers of the ships of such and such powers. In fact, the vessels of every flag cross the canal; they ought, according to the disposition of the act of concession, to submit to an equal taxation. But as the different governments have not yet adopted an identical system of tonnage, it was necessary to use the expression of ton of capacity in general, in such manner as that expression could be applied to the tonnage which might later be adopted by all governments and by the imperial government for its commerce. In this order of ideas it would be natural to adopt the tonnage which affords nearest to the truth the employable capacity. Now, as among all official systems now in usage the Moorsons system is evidently that which most approaches it, the Sublime Porte is of the opinion that the net tonnage fixed according to this system should be chosen. But, in case the powers or Mr. de Lesseps should not wish to continue maintaining this

system, it would be necessary to convene an international commission in order to determine the employable capacity. It is evident that the imperial government cannot fix a definitive mode of measuring which has not yet been fixed and adopted by other governments. This was the result of the deliberations of the council of ministers; and His Majesty, to whom the affair was submitted, having ordered me to act conformably, I give your highness notice of the preceding decision, in order that you may consequently take the necessary measures."

Soon after, new explanations having been demanded, his highness the grand vizier sent, under the date of 6 Djemazi-ul-Akhir, 1290, to his highness the Khedive the following letter:

"I had the honor to receive the letter which your highness was so kind as to send me, under date of the 22 Djemazi-ul-Ewel, demanding explanations in regard to the decision of the Sublime Porte mentioned in my letter of the 17th of the same month on the system of tonnage which is to serve as the base for the collection of taxes on vessels which pass the Suez Canal. As your highness knows, the company has referred the solution of this affair to the decision of the imperial government. The opinion and decision expressed in my above-mentioned letter being in conformity with equity and justice, we may hope that the company will regulate itself accordingly. I beg your highness kindly to notify the contents of the same letter to the company of the maritime canal, informing it at the same time that it will take upon itself all responsibility for the consequences resulting from its conduct if it were opposed to the just and legal decision and opinion of the Sublime Porte."

Solicited to interpret the words *ton of capacity* of the act of January 5, 1856, the Sublime Porte has therefore hastened to ascertain that its idea has been one of justice and equality. Considering as a starting point the incontestible truth that the tolls of the canal must be kept at a point in proportion to the utility which results from it to those who make use of it, that this utility itself is in a direct proportion to the importance of the vessel considered as a machine of transport and to its commercial abilities, which are represented by its true capacity, the Sublime Porte asserted, as it still asserts to-day—1st. That, under whatever flag they may sail, two vessels having the same capacity must be taxed equally, as the first principle; 2d. That two vessels of an unequal capacity must contribute in the exact proportion of their employable capacity, as the second principle. Every more or less arbitrary convention was in this way removed, in order to adhere to the reality of facts; and it was this that the two vizieral letters endeavored to establish, giving as the base of the tolls the true capacity, and nothing but the true capacity, of the vessels. As to the enterprise of examining technically the proceedings of the company, and to appreciate their merits in order to confirm or to reject them, as to stating precisely the scientific forms by which the employable capacity might be obtained, the Sublime Porte would not have hesitated to do it if it could have found rules, the exactitude of which are universally acknowledged. Unfortunately this was not the case, and amid the animated discussions to which the different formula employed in the measurement of vessels furnished the object, the only thing it could do was to leave to the company the responsibility for its measurement, and to recommend the adoption of the Moorsons system, the one which among all seemed to unite until now the most voices, and the exactness of which the parties in conflict agreed to acknowledge in principle. The Sublime Porte had the satisfaction to see its intentions duly appreciated by the interested powers; and the letter of Mr. de Lesseps, a copy of which is inclosed here, and which we have received lately, shows to what point the views of the Sublime Porte have been partaken by the company. The discussion raised by the navigation act of March 4 consisted in stating precisely, and in a scientifically exact manner, the means by which the really employed capacity of a vessel may be obtained. The official question submitted to the judgment of the Sublime Porte was then reduced to the general question of the rectification of the method of estimating tonnage. But it did not depend on the Ottoman government to have it otherwise, and the work of administrative interpretation was necessarily obliged to stop at a limit beyond which positive data failed.

It is to-day the task of the international commission to furnish the elements which may enable the Sublime Porte to give to its interpretation the completion necessary for its practice. It is chiefly in anticipation of this result that the Sublime Porte thought it useful to take the initiative of convoking the commission by the above-cited ministerial circular. A more recent ministerial circular, of the 13th August, 1873, explained that idea as follows:

"The decision of the imperial government concerning the Suez Canal tolls, which I communicated to you by my dispatch of July 19, foresees the case where, on account of want of agreement, in regard to the application of the principles set forth by the Sublime Porte, it would be necessary to recur for a definitive solution to the intelligence of an international commission. From this point of view this question is now naturally added to the attributes of the commission in the convocation of which the imperial government took the initiative by its circular of the 1st January, 1873."

The work which united the Mediterranean to the Red Sea, opening a new way to maritime navigation, will have, among other results, that of placing upon practical ground a question which, though it is not quite new, had remained until now in the region of speculation. This explains, also, the initiative of the Ottoman government in regard to the realization of an idea the priority of which it could not claim. This idea is not a new one, indeed. The ratification of the method of measurement and the determination of a tonnage corresponding to the reality of facts has already been for years in the West the object of continual research. Apart from the theoretical importance connected with the exact measure of vessels and of the scientifically true solution of the cubature of those bodies which, almost always ending in curved surfaces, are infinitely diversified by the exigencies of navigation—apart from this scientific problem, we say, an interest of justice and of equity arises which is easily understood. Among all nations there are to be found charges established upon vessels and calculated according to their relative sizes.

The first idea was to proportion the tax to the ton-weight, and the progress of ideas on that point consisted evidently in abandoning more and more the system of weight-taxation in order to adopt a system of bulk—of volume taxation. In that way, considering the extreme difference between the weight and the burden which the same vessel may contain, it was tried to establish an average unity of weight, to which was to correspond the unity of volume, the ton of capacity, which was almost exclusively adopted without any regard to the idea of the weight. The diversity of weights, the difficulty, or rather the impossibility, of establishing in a logical manner the average unity of weights, to which the unity of bulk was to correspond, the imperfection of the methods of measuring were more than sufficient to complicate the problem. But this is not all. We only ascertain a truth, established by competent authorities, in saying that, in order to favor the national flag, the administration of different states often perverted the calculations of science (which otherwise were imperfect enough) to the desire to diminish, by means of insufficient statements of tonnage, the tolls which the vessels are to pay for their entry and moorage in foreign ports. From all this resulted a deplorable confusion in ships' papers which, usually rendering impossible the reduction to a common standard of the official tonnage of the different countries, ended with a consequence just as vexatious, as it infallibly led to an overburdening of vessels, the measurement of which approached most nearly to the truth. This injustice was never more felt than at the day when great public works were undertaken in order to favor navigation, and the revenues of which were to be calculated exactly on the dues payable by every vessel in proportion to its capacity. We closed our eyes to the inequalities which we just pointed out as long as the navigation-tolls presented a purely fiscal character, but it became quite impossible to continue in this way, when in regard to the artificial bridges, docks, light-houses, and channels, created by the hands of men, and with the capital of private individuals, the necessity was felt to determine as exactly as possible the dues to be paid in proportion to the service rendered, which is calculated itself in direct proportion to the true capacity of vessels. Thence comes the necessity, universally felt in these latter times, to make use of the progress realized in the dominion of science, in order to rectify the ancient systems of measurement, and at the same time the valuation of tonnage; thence results, moreover, the idea of the, at least theoretical, unification of tonnage, which this commission is called to provide with its sanction. The duty, then, of the commission is to show the mode for the valuation of tonnage, which, in the present state of mathematical science and of nautical experience, approaches most nearly the truth, and in a subsidiary manner, and as a natural consequence, to establish the relation existing between the tonnage rectified in this way and the different official tonnages which are actually in use. Now, without any intention of prejudicing the deliberations of the commission, I think that I may remark that, as to the scientific part of the methods of measurement, there exists a solution as satisfactory as possible. To judge by the favorable acceptance of it by most of the states the rule of measurement known in England under the name of Moorsons seems to unite in principle all the conditions of a good scheme. It is accordingly by this rule that the total capacity of a vessel may be obtained. But this abstract formula is not sufficient, and it is maritime experience which must provide it with modifications without which it could not fulfill what is demanded of it, which is nothing but the truly employable capacity of the vessel. It is on that point that the controversy is most animated. To take the example of England, for instance, are all the exceptions and the deductions applied to the formula of Moorson, in order to get the net registered tonnage, equally correct; are they founded on any principle, or are they but a mode of calculation more or less conventional? That, at all events, is what was maintained, what is still maintained principally in regard to ships moved by steam, and it will be especially on this point that the commission will have to throw the light of its knowledge, of its experience, and of its authority.

There evidently exist some points difficult of estimation, but at the same time essential for the correction of the rules of measurement which it will be necessary to prescribe. I do not doubt that the commission will show in this delicate part of its func-

tions that largeness of views which is so necessary to comprehend as a whole the complex mechanism of modern commerce. As the question is to impose taxes on vessels, an appeal is often made to the interest of navigation. There is no doubt that this interest has a claim to every respect. But the objection which is intended to be made is true only so far as arbitrary taxes are in question, taxes which, as I said above, have a purely fiscal character. It is not the same with taxes having a remunerative character, and which are imposed only in consideration of the work executed in the interest of navigation itself.

The great works undertaken with the intention to facilitate and to secure maritime circulation really augment the utility, and consequently the value, of vessels. The interests of shipping and of enterprises facilitating navigation are identical, and it is not possible to prejudice the one without at the same time prejudicing the other. In order to decide between each of these two interests it is essential to hold an impartial balance to be just; and it is sufficient for this purpose to be exact and truthful. Just as it would be unjust to tax those parts of a vessel which form its dead weight or rather its unproductive and useless volume, we think it would not be just to exempt from taxation any portion of the active parts of a ship constituting its truly productive and employable capacity. It naturally follows from this that the commission will have also to examine whether the mode actually employed in the collection of the Suez Canal tolls is in harmony with the conditions of the act of concession and of the imperial firman, according to the interpretation given to them in the two vizirial letters addressed to His Highness the Khedive.

So much as to the substance of the question. As to the form, I have no doubt that the commission will consider it its duty to avail itself of all the light within its reach, and that, if necessary, it will not refuse to hear the testimony of men who are able to furnish it with the most correct and the most precise information. I close by adding that the deliberation of the commission in which your excellency is invited to participate will have a weight the importance of which cannot be exaggerated. The interests depending upon the estimation of tonnage are so numerous and so important, that we cannot foresee the practical extension which the divers powers will sooner or later deem it expedient to give to the conclusions of the commission. But so far as we are concerned, and considering the urgent nature which the canal question presents, I deem it my duty to declare at the present time that the imperial government, which has founded hopes so legitimate upon the result of these conferences, reserves to itself the right to appropriate those conclusions of the commission which may be of a nature to be immediately executed, and to regulate the mode of their application.

CONSTANTINOPLE, *October, 1873.*

No. 770.

Mr. Boker to Mr. Fish.

No. 176.]

LEGATION OF THE UNITED STATES,

Constantinople, December 26, 1873. (Received January 23, 1874.)

SIR: I have the honor to transmit herewith a copy of a dispatch from Hugo Hillebrandt, esq., United States consul at Canea, Crete, announcing the successful laying of a telegraphic cable between Alexandria, Egypt, and Sitia, Crete.

I have, &c.,

GEO. H. BOKER.

[Inclosure.]

Mr. Hillebrandt to Mr. Boker.

No. 13.]

UNITED STATES CONSULATE,

Canea, December 13, 1873.

SIR: I have the honor to report the successful laying of the telegraph-cable from Alexandria to Sitia, the eastern extremity of Crete, under the superintendency of Mr. Binney, the United States consular agent at Syra, Greece.

From Sitia the cable is connected by overland wire to Candia; from there the already existing cable connects with Canea; from this place a new cable was laid by the

same company to Zante, one of the Ionian Islands, which place connects directly with Brindisi, Italy. The cable is in perfect working-order, and several messages have already been forwarded from Cairo to England by the Viceroy of Egypt.

The tariff for telegraphing has not been yet published, but it is supposed that from this place to England, for a message of twenty words, one livre sterling will be charged.

I have, &c.,

HUGO HILLEBRANDT,
United States Consul.

No. 771.

Mr. Boker to Mr. Fish.

No. 178.]

LEGATION OF THE UNITED STATES,
Constantinople, January 3, 1874. (Received January 31.)

SIR: I have the honor herewith to transmit two copies of a *résumé* of the proceedings of the international tonnage commission that recently concluded its labors at Constantinople, together with a copy of a letter, and a translation thereof, addressed by the Ottoman minister of foreign affairs to the Khedive of Egypt, sanctioning and adopting the recommendations of the commission.

It is understood that the inclosed article was written by a prominent member of the commission, and its statements may, therefore, be regarded as authentic. The concluding paragraph, making certain assertions as to the policy of the Government of the United States regarding the questions settled by the international commission, is founded upon an unofficial opinion expressed by me in a conversation with the British ambassador, that if the United States had been represented in the commission, our action would probably have been in harmony with that of the other great commercial powers. The conclusions derived from my words certainly strain the limits of ordinary assumption.

It has been intimated to me, both at the Sublime Porte and by the representatives of the foreign powers, that it would be a satisfaction to them if the Government of the United States would, by an official act, sanction the conclusions of the international commission.

To this I replied by suggesting that proper representations to the Government of the United States, by the Sublime Porte, might probably induce the desired expression of opinion.

It is now generally believed that there will be no opposition on the part of the Suez Canal Company to the arrangement for computing the tonnage of shipping, and for the levying of the tolls, recommended by the international commission. In the event, however, of any unexpected difficulty that may be raised by the company, it is understood that the Sublime Porte will insist upon a rigid execution of the recommendations of the commission.

The report of the proceedings of the international tonnage commission is now in preparation, and it will be forwarded to the Department as soon as it is received by the legation.

I have, &c.,

GEO. H. BOKER.

[Inclosure 1 in No. 178.]

[From the Levant Herald, Wednesday, December 31, 1873.]

The labors of the international tonnage commission having now been brought to a satisfactory close, it will be interesting to trace, as briefly as the subject permits, the

course of its deliberation, and to describe the manner in which the two questions with which it was called upon to deal have, little by little, been cleared of the difficulties which clustered about them.

The international tonnage commission, taking the two invitations of the Porte to the maritime powers, dated 1st January and 13th August, 1873, and the Porte's instructions to its delegates, as a guide to its labors, decided on dividing them into two principal parts, viz, the general question of tonnage and the incidental question of the Suez Canal dues, taking the former first in order, as indicated by the above documents.

In treating of tonnage, they again divided their subject into gross and net tonnage. The examination of gross tonnage was of an exhaustive character to determine which is the best mode of ascertaining the gross tonnage, or total capacity of a ship. The commission passed in review all the methods employed for the last three centuries and a half, or since vessels were first measured, and unanimously admitted that Moorsom's system of measuring the ship's cubical contents is the best. This system takes account exactly of the vessel's form, and, with the accuracy of a mathematical formula, furnishes the cubical contents by an arithmetical process, based on measurement, which Moorsom worked out into a practical rule. It was therefore proposed to accept that the measurement of the gross tonnage of a ship is best effected by Rule 1 of the English law of 1854, as defined in its twenty-first and twenty-second clauses. On this, however, a marked divergence of opinion was expressed. The English law, which is the faithful exponent of Moorsom's intentions, obtains the tonnage by dividing the cubical contents by 100: under it the ship's ton is a space of 100 cubic feet. The French delegates held that Moorsom's ton was either 40, 50, or 63 cubic feet, according to the nature of the merchandise embarked, and that the English law had adopted 100 as divisor in order to favor the shipping-interest. They quoted certain isolated passages from Moorsom's work in support of this view, which, if adopted, is evidently calculated to increase a ship's tonnage, and, therefore, the revenue of those corporate bodies who levy tolls on shipping. In other words, the French delegates endeavored to displace the discussion from the general grounds on which it had been taken, in order to procure a decision favorable to the Suez Canal Company. In this they were supported by the Russian delegates, who, throughout the proceedings of this commission, showed an extraordinary subservience to French leadership.

The British delegates resisted the view of Moorsom taken by the French, and successfully refuted it by quotations taken from every part of Moorsom's writings, both before his system became law in 1854, and subsequently to that date, when, in 1860, he reviewed the working of it. They had no difficulty in showing that the passages quoted by their opponents were isolated extracts, in which Moorsom had intended to demonstrate how, in the event of his system being adopted, merchants could practically deduce from the ship's papers how much merchandise of any kind she could carry. They successfully maintained that the ship's ton of measurement, or capacity, is a distinct and wholly dissimilar unit from any ton of merchandise, whether of weight or volume. In other words, the ship's ton, or ton of capacity, is a containing space of fixed dimensions, which cannot be compared with the contained measure of merchandise, which is expressed by so many different and varying units. In this line of argument they were supported by the vast majority of their colleagues, who, by a great variety of argument, marked by an intimate knowledge of the subject in all its bearings, as well as of its past history, triumphantly refuted the flimsy arguments of the French and Russian delegates. It was right that a question of such universal interest should thus be treated on the broad grounds on which it naturally rests, and protected from the injury which its treatment on local and partial interests would have inflicted upon it.

This discussion on gross tonnage had a very singular effect. The French delegates now discovered that they had no mission to discuss the general question of tonnage, clear as the invitations of the Sublime Porte and the instructions of the Ottoman delegates had been on this point. They refused to take further part in the deliberations of the commission, unless they were directed to ascertaining the utilizable capacity of a ship. Their colleagues replied that they would discuss this partial question in its proper order. The best mode of ascertaining the total capacity was under consideration; the examination of what portion of that capacity is utilizable would naturally follow, but could not precede it. The French delegates, therefore, declared that they could no longer take part in these deliberations. Their colleagues regretted this inability, but could not on that account change the order of the commission's labors. The demand of the French delegates was entirely illogical and out of place; in conformity neither with the official documents before the commission, nor with the requirements of the subject. But even had it been so, it would have been impossible to submit to the dictation of a minority. It has been advanced by certain journals that the commission lost its international character from the moment that the French withdrew. If such an inference were correct, it would amount to this: in a conference where a dozen nations are represented, one power alone may dictate the order and even the issue of its discussions by holding out the threat of withdrawal,

and of thus depriving the conference of its international character. The pretension has only to be thus stated in order to expose its absurdity. But in the present instance the position was the more untenable because, in accepting the rules which the commission had laid down for the conduct of its discussions, the French delegates admitted the possibility of the commission retaining its character of an international body, even in the absence of one-third of its members, and the validity of its discussion even should some of its members be unprovided with instructions. The commission, therefore, continued its discussions in spite of the French delegates' withdrawal. The Russian delegates showed a disposition at first also to abstain, but they soon changed their tactics and re-entered the council-chamber, perceiving that the only result of abstaining would be that the questions in hand would be treated without them, and that perhaps, if present, they might help their friends. The vote on gross tonnage was taken, under which the provisions of the English law of 1854 were accepted as the basis of the international mode of ascertaining gross tonnage. According to this law the cubical contents are ascertained by Moorsom's rules, and if taken in feet are divided by 100, or in meters by 2.83. This vote, then, recognizes the ship ton of capacity to be 100 cubic feet, or 2.83 cubic meters. It was further agreed that the spaces of which the cubical contents are to be measured for gross tonnage are all those below the upper deck, and all covered and closed in spaces above that deck which can be used for the berthing of passengers, officers, or crew, and for the stowing of cargo.

The international commission then proceeded to determine the rules by which the net tonnage of all ships should be ascertained. They subdivided this subject into: 1. The general deductions applicable alike to sailing and steam ships; 2. The special deductions applicable to steamships alone.

On the first of these points there was considerable divergence of opinion, one fraction of the commission desiring to deduct every space that could at any time be used for other objects than those of carrying cargo and passengers; the other fraction desiring to limit the deductions to spaces only that could never be utilized for earning freight. It was evident that if the former principle were admitted, a door would be opened to much abuse, under which the tonnage of vessels would be liable to such large deductions as would materially affect all revenues depending on navigation dues. The views, therefore, of those who sustained the latter principle prevailed, and the general deductions were further limited by the vote that they should not exceed 5 per cent. of the gross tonnage.

The second section of this subject—the net tonnage of steamers—was one of considerable difficulty, and may be termed the turning-point of the tonnage discussion. The difficulty lay in the following circumstances: The present English law is, in this respect, admittedly defective. Every merchant-shipping-bill introduced into Parliament during the last five years has contained an amendment of this part of the tonnage law. Those of 1869 and 1871 adopted a system recommended in 1860 by Moorsom, which applies to the engine and coal spaces the same principle as is applied to the whole ship, viz: absolute measurement of the space thus lost for earning freight, and its deduction from the gross tonnage. We will call this the rule of 1871, otherwise known as the rule of fixed bunkers. Germany, Italy, Austro-Hungary, and France have successively adopted it with the Moorsom system, and it is now the law in those countries. But in England it has not become law, and while it was in the shape of a bill, an examination of the working of it led to the conviction that it is faulty, and it has been withdrawn. In its place has been put a system first tried on the Danube, and for that reason now termed the Danube rule, though it was derived from the English board of trade.

The Danube rule is a very slight modification of section *b* of the twenty-third clause of the English law. The defect of the latter lies in its having two sections—*a* and *b*—very dissimilar in operation and causing great inequalities between ship and ship, and in the absence of any limitation to the working of section *b*. The Danube rule attaches this limitation and eliminates section *a*. Section *a* of the law enacts that if the space occupied by the machinery of a screw-steamer is above 13 or below 20 per cent. of the gross tonnage, she receives a deduction of 32 per cent. of that tonnage on account of engine and coal-bunkers.

Section *b* says that if the machinery occupies a proportion of the gross tonnage beyond those limits, then 75 per cent. of the machinery-space shall be added to it, and the total deduction from the gross tonnage to give the net tonnage. This may be carried to such an excess that the vessel will have very little tonnage at all.

The Danube rule adopts section *b*, with the limitation that the total deduction cannot exceed 50 per cent. of the gross tonnage.

The above figures concern screw-steamers only; there are others for paddle-wheel vessels. As the German government was unwilling to change the law so recently adopted—and it was not to be supposed that the English Parliament would adopt as law a change which has been shown to be defective—it was evident that no uniform law could for the moment be agreed upon. Colonel Stokes, therefore, hit upon an expedient, which the commission has adopted, and by which, without changing its law,

any country possessing the Moorsom system of gross tonnage can deliver to any of its vessels a certificate, to be attached to the papers, which will give the net tonnage, either according to the Danube rule or according to the rule of 1871, as may be selected by the owner; and that this certificate shall be valid in all foreign ports for the payment of dues.

This expedient will secure uniformity of practice until the maritime powers have agreed upon a uniform law. Practically, it will lead to all vessels receiving net tonnage under the Danube rule, as the latter is more favorable to ship-owners than the rule of 1871 by about 5 per cent.

This decision on net tonnage closed the debates on tonnage questions; and, although no formal decision was at that time pronounced defining *utilizable capacity*, no one could fail to conclude from the debates on net tonnage, that the net tonnage of a ship, as agreed upon by the commission, is the nearest approximation to her utilizable capacity.

The second subject which the commission discussed was the Suez Canal question. The inquiry was contained in the following extract from the instructions to the Ottoman delegates:

"Is the mode of levying the dues at the present time practiced by the Suez Canal Company in harmony with the provisions of the concession and of the imperial firman, according to the interpretation which has been given to them by the vizieral letters addressed to his highness the Khedive?"

It was not difficult for the British delegates, who opened the discussion on this subject, to prove that the practice of the company is not in harmony with the law thus established, and they were supported by a large number of their colleagues in proving the illegality of the company's present proceedings. Most important individual statements were made by the Austrian, Dutch, German, Italian, Spanish, and Turkish delegates, and the English delegates drew up a series of resolutions, which are entered on the minutes of the commission, and which pronounce in a formal manner what had been stated on so many sides, that the company's proceedings are illegal. They adduced, in addition to the arguments already brought forward, M. de Lesseps's own publication of speeches in England at the time the concession was made, which showed what was the real meaning of the words by which he then defined the rights of the company, although he has since endeavored to explain them away.

When the large majority of the commission were ready to vote these resolutions, it became possible to realize, in the interest of the company, a scheme of compromise by which, instead of compelling it suddenly to resume the levying of its tolls on net tonnage at the maximum of 10 francs per ton, which would have had a ruinous effect on its finances, a gradual return would be made to that only legal course by conceding to the company a surtax decreasing in amount as the net tonnage increases.

Negotiations were unofficially set on foot, through the instrumentality of the delegate of Sweden and Norway, so far back as the end of last October, with a view to bringing about an understanding. This led to the matter being privately discussed, at first between the English and French delegates, then in presence of nearly all the delegates. The first English delegate set himself to examine the conditions on which an arrangement could be effected, looking first at the receipts and expenditures of the company, and then at the amount of traffic past and present and likely in the future. Colonel Stokes calculated that a surtax of 3 francs a ton, until the net tonnage should reach 2,000,000 in one year, and decreasing till it should finally cease on the net tonnage in one year amounting to 2,300,000 tons, would give the shareholders a dividend at first of 3 per cent., rising to 5½ per cent., and remaining between that and 5 per cent. until the surtax should cease.

The French delegates wanted to have the surtax at 4½ francs, and that it should not finally cease until the yearly tonnage should reach 3,000,000. The English delegates declined to advance beyond the amount they had offered. The English government promptly sanctioned the actions of its delegates in this affair; but for a long time it did not seem likely to have any result, as the French government did not approve of the negotiation.

The business of the commission went on as above described. When the commission began to discuss the question of the legality of the company's proceedings, the Russian delegates offered to renew the negotiations for an arrangement which the other delegates were ready on their part to resume at the point where the others had broken off, and on the basis of Colonel's Stoke's proposal.

The English delegates were willing to treat on a so-far-extended basis that they would admit an extension of the amount of yearly tonnage at which the surtax should cease, and they were willing to allow the company the benefit of the increase of the net tonnage which would result from the adoption of the commission's rules since the suspension of negotiations for a compromise, and which they calculated as equal on an average to one franc a ton on the old tonnage.

On these bases the following terms were privately agreed to as bases of transaction between his highness the Khedive of Egypt and the company:

The company is to levy its tolls on the net tonnage of a ship as shown on her papers. The toll to be levied on each ton of this tonnage is to be the maximum of 10 francs, plus a surtax as follows:

Vessels measured under the Moorsom system.

For each vessel whose net tonnage is derived from section *a* of clause 23 of the English law the surtax is to be 4 francs a ton.

For each vessel whose net tonnage is determined by section *b* of that clause the surtax shall be 3 francs.

For each vessel which has the certificate recommended by the commission the surtax shall be 3 francs.

Vessels measured by other than the Moorsom system.

The gross tonnage of these vessels shall be reduced to English gross tonnage by applying the Danube factor of reduction; the net tonnage shall be determined by section *a* of clause 23 of the English law.

The surtax of 3 francs is to remain in force until the net tonnage of any one year is 2,100,000; thenceforward it will stand at 2½ francs until the net tonnage in a year reaches 2,200,000, and so on each yearly increase of tonnage by 100,000 will be followed by a decrease of half a franc in the toll, so that when the yearly net tonnage is 2,600,000 the surtax will cease forever. It is stipulated that, once reduced, the surtax cannot be increased, or, if abolished, cannot be re-imposed, even should the tonnage fall. The calendar year is that understood.

Ships of war and troop-ships to pay no surtax.

As soon as these bases took such a shape, and were so far authorized that there appeared a prospect of success, the Sublime Porte requested the commission officially to complete the work it had begun, in lieu of pronouncing formal judgment on the company's proceedings. The following is a translation of the letter addressed by his excellency Rashid Pasha to the president of the commission, his excellency Edham Pasha:

“SUBLIME PORTE, December 9, 1873.

“Monsieur le PRESIDENT: As you have been good enough to inform me, the international tonnage commission has just discussed and established successfully rules concerning gross and net tonnage and the utilizable capacity. In presence of the inevitable consequences of the legal situation, which has thus been just fixed in a way to put an end to the disputes and doubts of the past, the imperial government has been happy to learn the efforts successfully made by the delegates of several maritime powers in order to bring about practically relief in the shape of a compromise in favor of a work unique of its kind. The utility of such relief seems all the more evident, as in the instructions addressed to its commissioners the imperial government had already declared that, considering the urgent character of the Suez Canal question, it reserved to itself the right to appropriate the conclusions of the commission which might be of a nature to receive immediate execution and to regulate the mode of applying them. In order, then, to respond to needs and interests universally felt, and to give an official character to the new task which the commission has so honorably assumed, I have to beg your excellency to engage the delegates to be so good as to complete their labors by laying down in the name of their governments, and of course in a spirit of equity, new conditions, the benefit of which can be insured in the future to the Universal Company of the Suez Canal.

“RASCHID.”

This letter enabled the commission to enter officially upon the work of compromise, hitherto conducted privately. The terms above stated were formally adopted, and the governments gave their sanction, the English government taking the lead in so doing.

The English delegates then proposed to the commission not to take a vote on the resolutions which they had previously submitted. This was followed by the French commissioners adopting the decisions of the commission on tonnage.

The commission embodied the results of its discussions in a report which reproduces its recommendations on tonnage, including the detailed rules for measurement which it had carefully drawn up, and the above-mentioned bases of a transaction for regulating the Suez Canal question. This report was signed by the delegates of all the powers represented.

It is to be understood that the labors of this commission as regards tonnage are purely recommendations, and that the several governments have reserved to themselves entire liberty of action with regard to them. The unanimity of the commission will doubtless lead to the eventual adoption of a uniform system of tonnage-measurement, very few reserves only on special points having been maintained. The recommendations on the Suez Canal question occupy a very different position, as they are

all approved by the governments, and only await the final action of the parties more directly concerned to receive their immediate application.

Universal regret was felt at the absence of a delegate of the Government of the United States of America from the commission. It is understood that this arose from no want of interest in the subject to be discussed, but from an accidental misunderstanding.

The general conclusions of the commission are entirely approved by the American Government, and its approbation will, we believe, be shortly made public.

[Inclosure 2 in No. 178.—Translation.]

Ottoman minister of foreign affairs to the Khedive.

SUBLIME PORTE.

MINISTÈRE DES AFFAIRES ÉTRANGÈRES.

Pursuant to my preceding communications, I have the honor to forward to your highness herewith a duplicate copy of the proceedings and the final report of the international tonnage commission which has just finished its labors.

As your highness will perceive by reading those documents, all the questions relating to tonnage have been so settled as to avoid for the future all uncertainties of interpretation and all objections.

Independently of the adjustment of these points, an adjustment that fixes the basis of the tolls to be collected by the company of the Suez Canal, your highness will find in the proceedings and the final report before mentioned the details of a recommendation expressed by the international commission embodying a plan to regulate the mode of collecting the tolls.

The terms of this arrangement have been adopted by virtue of special authorizations.

The opinion adopted on this point having been unanimously expressed by the international commission and approved by the Sublime Porte, your highness is invited to make it known to the canal company.

At all events, it is essential that the tolls shall be collected on the basis of the net tonnage established by the international commission at the expiration of three months, which will give sufficient time to concert all the measures necessary to put into execution the arrangement advised by the international commission.

No. 772.

Mr. Boker to Mr. Fish.

No. 186.]

LEGATION OF THE UNITED STATES,
Constantinople, January 29, 1874. (Received February 24.)

SIR: I have the honor herewith to transmit a copy of the new stamp-tax law recently promulgated by the Sublime Porte. As this law is at present of little interest to the few citizens of the United States residing in Turkey, I have not thought it necessary to furnish the Department with an English translation of so extended a document, as it differs very little from similar laws in force in various European countries. I have inclosed two *résumés* of the prominent features of the law from the local newspapers, which may contain sufficient information for the purposes of the Department. If, however, the Department should wish to possess an English version of the entire law, I shall have it prepared and forwarded without delay.

It was intended that this stamp-law should go into effect on the 1st day of March next, O. S.; but at a meeting of the foreign representatives, lately held at the French embassy, it was decided by a majority of the ministers that the law in question would impose an additional tax upon commerce within the signification of the terms of exemption

from such burdens contained in the ancient capitulations. It was therefore determined by the meeting that a sanction to the enforcement of the stamp-law could not be given by the representatives of the foreign powers until after it had been authorized by their various governments. The Sublime Porte has been notified of that decision, and requested to postpone the enforcement of the law until the powers should have the opportunity of expressing their opinions on the subject. To that request the Sublime Porte, with its usual amiability, will probably yield without an effort at self-assertion.

In view of this condition of things, one may well ask by whom the Ottoman Empire is governed, since a council of foreign representatives may by an intimation suspend or nullify the action of any decree or law that may be issued by the Sultan or by his government. So odious and dependent a state of tutelage would not be borne by the humblest recognized government among the European states. An appeal to the antiquated capitulations at this day seems like the enactment of a solemn farce; so completely have the age and the Ottoman Empire outgrown the state of things against which the provisions of the capitulations were designed to guard civilized nations in their intercourse with Turkey.

Why the Ottoman Empire submits to this slur upon its sovereignty, this denial of its right of self-government, this continual and vexatious interference with its internal affairs, can only be accounted for by supposing that it is easier for an indolent people to endure an abuse that has obtained the force of habit than to redress it by means that might require a violent exertion or a proud appeal to the justice of nations. If the latter were firmly made, I do not believe that the opinion of the world, without giving a manifest wrong its sanction, could deny to Turkey the right to regulate its domestic economy, and to treat with other nations upon terms of reciprocity, and in that manner only.

None but questionable friends, or undoubted cynics, will deny that the government of the Ottoman Empire is sufficiently liberal and enlightened to conduct its international relations upon a footing of equality, and, as between nations, to be entitled to receive all that it is willing to concede. It possesses also sufficient power and intelligence, and a sufficient sense of justice, to be able to conduct its international public business without the constant advice and the solicitous interference of those self-constituted guardians who proffer friendship and coercion in the same hand. The persons who are forever crying out that the Ottoman Empire should do something for itself, should develop its resources, should reform its judiciary, should civilize and educate its people, should liken itself to the nations of Europe, are the last persons to permit it to take a single step without tugging at those leading-strings that confine it within its ancient barbarous limits. What advancement can be hoped for from a government that is deprived of independent action, that sees with the eyes, hears with the ears, thinks with the brain, and acts with the will of others? What scope is there for natural development or for the growth of national virtues within the shadow of this moral servitude? No freedom of actions that will lead to the results with which this century has endowed the nations of Europe can be expected from a people that since it entered the European family as a relative has not drawn a single free breath, has not been permitted to pursue its own interests in its own way, nor in accordance with the course marked out for it by nature. That kind of indulgent thralldom which pets its object into imbecility may have the same disastrous result in dwarfing character as the thralldom of force. None of those national characteristics,

pride, patriotism, self-confidence, courage, intolerance of foreign interference, which, even in disagreeable excess, form the foundations of a nation's strength, can long survive in a people that yields itself up to be thus systematically pampered, upheld, and directed by its neighbors.

Characterize the Turk as we may, he is yet a human being, the descendant of a race before whose name, not many centuries ago, all Eastern Europe turned pale; and I have watched with pain and shame the working of the insidious policy through which the Christian nations are sapping his remnant of strength, draining the last coin from his treasury, delivering him over to the usurer, the sharper, the swindler of their own creed; and meanwhile, fondling him and smiling in his deluded face as they blindly prepare him to become the easy prey to some ambitious neighbor. I do not say that there is this motive in the system, but the result will be as though there were; and common wisdom should foresee and prevent a catastrophe upon which the powers of Western Europe speculate with so much horror, and which they have already shed their blood to avert.

The next time the sovereignty of Turkey is menaced, the horror may be no less, and the bloodshed no less, but both will be vain.

I trust that the United States will never become a party nor a patient witness to the undermining process which is slowly working the ruin of the Ottoman Empire; that we will concede to the Turks all that we demand for ourselves; and that we will set to the other friendly but short-sighted nations an example of a great and magnanimous power that scorns, in spite of the temptations of self-interest, to take advantage of the weakness or the pliant character of a friendly people in our international relations with it; and, above all, that we will refrain, either by advice or dictation, from intermeddling in its domestic affairs, when, as at present, it seems bent on making a last effort, by usual and practiced means, to replenish its exhausted resources. I beg, therefore, to suggest that the Government of the United States will sanction, since the Sublime Porte thinks that sanction necessary for its action, the new stamp-law or any other law that the Ottoman government may enact for the legitimate increase of its revenues.

I have, &c.,

GEO. H. BOKER.

[Inclosure.]

[From the Levant Times and Shipping Gazette, Constantinople, Wednesday, January 7, 1874.]

THE NEW STAMP-REGULATIONS.

We have just received from the Porte a copy of the regulations concerning the new stamp-system. The first article sets forth what instruments are subject to the stamp, namely, those relating to loan transactions, deeds of partnership or association, and every sort of contract, bills of exchange, checks, receipts, certificates of deposit, shares and bonds of public companies, teskeres and takrirs, hodjets, inventories, acts of authorization, judicial orders, receipts for public salaries or pensions, mazbattas of civil or commercial tribunals, extracts and copies of public documents made for private individuals, placards and notices of all kinds, passports for the provinces, bills of lading and charter-parties, policies of insurance, and, generally, all deeds or writings producible in a court of law or before the councils of the empire; finally, newspapers, which are to bear a 2-para stamp a copy, (about one-tenth of a penny.) The exceptions from the stamp are documents passing from one public department to another or delivered to private individuals against a receipt; receipts for donations for the poor, to schools, religious and charitable establishments; certificates of indigence; judgments, &c., of criminal and police courts; and periodical publications relative to science. For bills, contracts, receipts, delegations, &c., the stamp will be a proportional one, commencing

ing at 20 paras for sums from 100 to 1,000 piasters, 1 piaster for from 1,000 to 2,000 piasters, and then rising 1 piaster for every 2,000 piasters up to 20,000, from which point the stamp will be at the rate of 5 piasters for every 10,000 piasters or fraction thereof, with further modifications higher up in the scale, 1,000 piasters being the amount where the sum is from 1,500,000 to 2,000,000 piasters, and above the latter figure, 500 piasters for every million or fraction of a million. Shares and scrip certificates of companies authorized by imperial decree will be subject to a stamp of 1 per cent. on the nominal capital, and all foreign stocks, loans, shares, or bonds, quoted and negotiated on the bourse of Constantinople, must also be stamped at the same rate. There will be a 10-para stamp for all receipts, &c., for sums under 100 piasters, and a uniform stamp of 10 paras for checks. Placards and notices will have to bear a stamp of 1 piaster each; on bills of lading and charter-parties the stamp will be only 10 paras; for petitions to the Sultan, 2 piasters; and for an ordinary petition, 1 piaster. Provision is made for the effacement of the stamps when used, and there are heavy penalties for evading the tax. Future notice will be given as to the mode of getting documents stamped or obtaining paper ready stamped, or the affixable stamps.

[From the Levant Herald January 9, 1874.]

The first legislative enactment resulting from the programme of fiscal reform, announced two months ago by the ministry, now appears in the regulations just published for the application of the new stamp-law. There is nothing particularly original in the regulations. They are framed upon the experience of other countries, and they ordain the attachment of a stamp to instruments or publications to which such attachment is or has been required in England and in France. The regulation, therefore, is so far safe and contains nothing in itself which will militate against its successful application. The scale adopted is moderate; and while the regulations cover a sufficiently wide field to promise considerable financial results, they do not weigh oppressively in any direction so as to occasion resistance to or invite evasion of their application. We have, therefore, nothing to say against the principles which have guided the ministry in framing the new regulations.

The instruments to which an ad-valorem stamp is required to be affixed are contracts of every kind, bills of exchange and promissory notes, and every other instrument for the transfer of value. The scale adopted is half a piaster (about a penny) for sums from 100 to 1,000 piasters, and a piaster for sums over 1,000 piasters and up to 2,000 piasters. Above that figure one piaster is added for every 2,000 piasters up to 20,000, and over 20,000 5 piasters will be charged upon every 10,000 piasters or fraction of that sum. When the amount reaches a million and a half of piasters and does not exceed 2,000,000, the stamp is 1,000 piasters; and over 2,000,000, it is 500 piasters for every million or fraction of a million.

Ordinary trade-receipts are to bear a stamp of 10 paras and upward in a graduated scale proportioned to the sum. Stocks, shares, and bonds negotiated on the Constantinople bourse are to take a stamp of one-half per cent. Policies of insurance are included in the above category, as well as all documents or writings which may be produced in evidence before any Ottoman tribunal. Passports are to bear a stamp, as also checks, which are submitted to the moderate imposition of 10 paras. Petitions to the Sultan are taxed with a stamp of 2 piasters. Bills of lading and charter-parties bear only a 10-para stamp, while placards and public notices pay 1 piaster. Newspapers are to be covered by a 2-para stamp, which seems to be scarcely enough to make this tax worth the trouble of application. A stamp of 5 paras would not have sat heavily upon the better class of newspapers, and might have tended to weed the native press of publications which convey neither information nor instruction, and which serve no other end than to occupy the attention of the *bureau de la presse*. In this particular the new tariff would bear modification. Roughly stated these are the principal features in the new stamp-regulations, the text of which we publish in our French columns. The point in connection with this reform, which, under present circumstances, is the most interesting is its material results to the treasury. The ministry estimates these, modestly enough, at £T200,000—modestly enough, that is to say, supposing the organization of the stamp-office to be good from the outset, and its working to be kept up rigidly to the standard of like offices in France and in England. Not only must that organization be perfect as far as regards the collection of the stamp-duties, but it must be so devised as to impose a minimum of inconvenience upon the public. It is in administrative organization that the Turks most fail. The ministry makes many good laws, and makes them in good faith, meaning that they should be carried out; but when they come to be put into execution they, in many cases, become so bemuddled, mutilated, and distorted by the indolence, incapacity, and unintelligence of the officers employed to carry them out, that the best designs of the government are defeated, and mischief arises out of

that which was planned for good. The object of this tax, as of every other, is general good—to promote general interests. Now it is seen, in the case of the tithe, how, by a vicious system of application, this tax so oppresses the particular interests on which it immediately bears that general interests suffer most materially. It will, then, entirely depend upon the manner in which the details of the new stamp-regulations are carried out whether it will prove to be an advantage or not. In their framing there is nothing to raise complaint. It depends upon the administration to render their application either easy and inoffensive or harassing and obnoxious. Tax-paying is not a pleasant process in itself, and it, therefore, needs to be sweetened by every possible facility to the tax-payers. This is a principle which the Turkish government has yet to apply, if not to learn. The collections of the customs due, of the tithe, of the sheep-tax, even of the royalties on mines, are all effected with a maximum of vexation, and general interests suffer most seriously therefrom. Having, then, two full months before it in which to organize the new stamp-office, it is to be hoped that the government will bestow the greatest care upon the details of that organization, so that the reform we are discussing, which is in itself sound, and which, fiscally speaking, should be inoffensive to the contributors and profitable to the treasury, may not prove a vexation to the one and a disappointment to the other.

No. 773.

Mr. Boker to Mr. Fish.

No. 191.]

LEGATION OF THE UNITED STATES,
Constantinople, February 17, 1874. (Received March 13.)

SIR: I have the honor to say that, on the 13th instant, Mehmed Rushdi Pasha was removed from the office of grand vizier, and Hussein Avni Pasha was appointed to that post. The motives which may have led the Sultan to make this change are so far a mystery to the public. The elevation of the former minister of war to the office of grand vizier is not supposed to indicate any important alteration in the foreign or the domestic policy of the Ottoman government.

It is a satisfaction to my colleagues and myself to know that Rachid-Pasha, who has so efficiently performed the duties of minister of foreign affairs, has been re-appointed to office.

I inclose a newspaper account of the installation of the new grand vizier, which may be found interesting to the Department.

I have, &c.,

GEO. H. BOKER.

[Inclosure.]

[From the Levant Times and Shipping Gazette, Constantinople, Monday, February 16, 1874.]

INSTALLATION OF THE NEW GRAND VIZIER.

On Friday last, immediately after the usual reception, the Sultan ordered Ferid Pasha, marshal of the palace, to withdraw the seals of office from Mehmed Rushdi Pasha and deliver them to Hussein Avni Pasha. On Saturday the new grand vizier, accompanied by a brilliant suite, proceeded to the palace to thank His Majesty for the high distinction which he had bestowed upon him in appointing him to the highest post in the state. Toward 11 o'clock the troops in full uniform lined both sides of the street leading from Sirkedji Iskelessi to the principal entrance of the Porte. In spite of the mud and the inclement weather, a large crowd had assembled behind the two lines of soldiers to greet the new grand vizier, who is immensely popular. It was not until half-past one, however, that the trumpeters announced the starting of the vize-rial cortege. The master of the ceremonies, in full gala costume, headed the procession, followed by the principal functionaries of the Porte, also *en grande tenue*. They were followed by the prefect of Stamboul and the Sultan's first chamberlain. A few steps behind came the new grand vizier Hussein Avni Pasha, mounted on a magnificent

charger and followed by the Sheikh-ul-Islam in the new uniform introduced by Fuad Pasha, followed by Abd-ul-Kerim Pasha Nadir, and by the rest of the suite. His Highness wore his marshal's uniform and the grand cordon of the medjidieh with the plaque in brilliants; the Sheikh-ul-Islam a large white bournous trimmed with gold, and the grand cordon of the medjidieh, and a small white turban which formed a striking contrast with his black eyebrows. As soon as the grand vizier dismounted from his horse he was saluted by the acclamations of the people, and the military band struck up the artillery march. In the grand saloon of the grand vizier's department were assembled the ministers, the magistracy, the members of the council of state, the members of the dari shoura and the first dragomans of the legations. On entering the saloon the grand vizier took up his position at the right corner of the room, having on his right Shefket Pasha, first chamberlain of the Sultan, on his left the Sheikh-ul-Islam. A circle was formed round his highness and the musteshar of the grand vizierate advanced and read the imperial hatt, which was couched in the following terms:

"MY ILLUSTRIOUS VIZIER: You know that, in our ardent desire for the good of the country, we have never ceased to ordain that every possible effort should be made to release the reforms which are necessary both in civil and military departments, and that we have given every possible encouragement and recommendation to the transforming of these efforts into deeds. You are the faithful servant of the empire, and your tried capacities, your proved devotion, your loyalty, and your indefatigable zeal, qualities which are essential for the carrying out of the work begun by us, have decided us to confide to you the high post of grand vizier. You are at the same time charged with the duties connected with this important department, (the grand vizierate,) and with the general control of the affairs of the war department, which are of the highest importance for the empire. We have confided the details of the duties of the ministry of war, with the title of Caïmacam, to Abd-ul-Kerim Pasha, who has already given proofs of his military knowledge. These being our decisions, we command that these nominations be officially promulgated.

"May the Most High bless our efforts."

The reading of the hatt having been concluded, the mufti of the Porte recited a prayer for the preservation of his highness's life, in which all present joined. The final *amîn* having been pronounced amidst a profound silence, broken only by the murmur of the acclamations of the crowd outside, the Sheikh-ul-Islam gave the signal and the various functionaries present tendered their congratulations, which consisted in profound salaams, given in the usual manner. This portion of the ceremony being over, the whole of the persons present, with the exception of the ex-ministers, retired, and coffee and chibouks were served, after which the grand vizier gave audience to the embassy, dragomans and other notabilities who had assembled to do honor to his highness.

Hussein Avni Pasha is the tenth grand vizier since the accession of the present Sultan to the throne, and the second who has been seraskier. His highness speaks French.

As a soldier and statesman, Hussein Avni Pasha has been long and favorably known, and he will no doubt achieve an equally good reputation as grand vizier.

After entering on his post the grand vizier telegraphed to all the governors-general of the provinces, announcing his appointment, and Rashid Pasha, minister of foreign affairs, also telegraphed to the Ottoman representatives abroad, informing them, at the same time, that the change in the grand vizierate did not imply any change in the administrative or financial policy of the Sultan's government.

No. 774.

Mr. Goodenow to Mr Fish.

No. 7.]

LEGATION OF THE UNITED STATES,
Constantinople, March 18, 1874. (Received April 10.)

SIR: Herewith I have the honor to transmit an abridgment of the final report of the international tonnage commission, held at Constantinople, in 1873, which I cut from yesterday's issue of the Levant Herald.

The report has not been officially communicated to this legation.

I have, &c.,

J. H. GOODENOW.

[Inclosure.]

From the "Levant Herald."

ABRIDGMENT OF THE FINAL REPORT OF THE INTERNATIONAL TONNAGE COMMISSION HELD AT CONSTANTINOPLE IN 1873.

The letters upon the Suez Canal question, communicated to us by a Cairo correspondent, and published in this journal on Thursday last, lend to the "final report" of the international tonnage commission a renewed interest, and we accordingly give the following abstract of the report:

The international tonnage commission, held at Constantinople, pursuing, in the first instance, its researches as to the best method of ascertaining the entire capacity and the *utilizable* capacity of a ship, and, consequently thereon, examining into the actual conditions of the levying of navigation dues by the Suez Canal Company, has divided its labors into two separate parts:

1st. The general question of tonnage.

2d. The question of the levying of dues for passing through the Suez Canal.

By adopting everywhere uniform rules for admeasurement, shipping will everywhere be taxed in a uniform and equitable manner.

Such a unification of tonnage can be realized by adopting a formula which unites the three following conditions:

1st. To measure the internal capacity of a ship with all the precision which can be attained practically by geometrical calculation.

2d. To reduce this capacity into tons, by adopting for common divisor a unit of measurement, which gives as quotient an average of all the variable conditions in which ships are employed.

3d. Not to admit for the determination of net tonnage, which serves as a basis for the levying of dues, any deduction, except on the condition that the deducted spaces shall not be employed for the conveyance either of passengers or of merchandise.

The commission has decided to adopt as the unit of measurement the ton of capacity of the Moorsom system, of 100 English cubic feet, or 283 cubic meters, a process for the measurement of a ship's capacity originated by England in 1854, and adopted by most of the maritime powers with some variations in practice. However, with regard to the net tonnage of steamships, the rules laid down by the English law of 1854 are unsatisfactory in respect to the deduction for the space occupied by the engines being calculated at a percentage on the gross tonnage. Moreover, there is a difference in the deductions made for the coal-bunkers, accordingly as they are either fixed or provided with movable bulk-heads.

The commission recommends that the ship's papers should show a schedule of all the particulars of the admeasurement and of the reckoning by which the gross tonnage and the deductions made to determine the net tonnage have been found.

The commission also submits to the approval of the maritime powers the following considerations: All merchant-ships should be provided with a certificate of admeasurement stating the gross and the net tonnage. The certificate of admeasurement issued by the competent authorities of the state to which the ship belongs, after measurement in conformity with the rules proposed by the commission, forms the proof, which is to serve as the basis for the levying of dues imposed on the ship, and applying to net tonnage. The determination of the gross tonnage of a ship is best effected by means of the Moorsom system, and it comprises all the spaces below the upper deck, and the permanent covered and inclosed spaces on the deck. The deductions to be made from the gross tonnage, in order to determine the net tonnage are, the space for accommodation of the crew, the cabins of the officers, the cabooses and privies for the exclusive use of the crew, and the covered and inclosed spaces on deck for the navigation of the ship, the total deductions not to exceed 5 per cent. of the gross tonnage. Moreover, the deductions to be made for steamships are the engine and boiler rooms, the shaft-tunnel of screw steamships, and the fixed coal-bunkers. In case the stock of coal is kept only in movable bulk-heads or in side bunkers, the rule of the Lower Danube shall be applied, that is to say, an allowance shall be made equal to 50 per cent. of the space of the engine-room if moved by paddle-wheels, and of 75 per cent. if by screw. Steamships having fixed bunkers may also be admeasured according to this rule. However, in no case (excepting for tug-steamers) must the total deductions exceed 50 per cent. of the gross tonnage.

Until all governments shall have adopted uniform rules for net tonnage, steamships can be provided by the competent authorities of their respective states with a certificate annexed to their navigation papers, which certificate shall be received as proof of the amount of net tonnage. These rules do not apply to undecked ships. If any of the fixed spaces which have been deducted should be used for placing merchandise or passengers, this space shall be added to the net tonnage, and thenceforth shall never be deducted.

The commission, after expressing the wish that the rules proposed by it be adopted by all states, enters on the second part of its work, the question to be decided being put as follows:

"Is the method actually applied for the levying of the dues of the Suez Canal in harmony with the stipulations of the concession and imperial *firman*, as interpreted by the two vizierial letters addressed to His Highness the Khedive?"

The commission is of opinion that the method of levying the dues can be settled by a compromise on the following terms:

1st. With regard to ships measured according to the Moorsom system:

In addition to the toll of 10 francs, an extra toll of 4 francs shall be levied for every net ton register, of ships of which the deductions in respect of engines have been determined according to § a of section 33, which defines rule 3d of the English "merchant shipping act, 1854." This extra due shall be reduced to 3 francs for every ship which shall have noted on or annexed to her navigation papers the net tonnage resulting from the system of admeasurement recommended by the international commission.

2d. With regard to ships measured by a system other than Moorsom's, the tonnage shall be taken according to Moorsom's system, and they shall pay, in addition to the toll of 10 francs, an extra toll of 4 francs per ton, net register, so ascertained.

3d. Stipulation common to all ships: the extra toll of 3 francs per ton, net register, shall be progressively reduced in proportion to the development of the aggregate amount of net tonnage of shipping annually passing through the Suez Canal, and in such way as that only the maximum tax of 10 francs shall be levied ultimately wherever the net tonnage during one year shall have amounted to 2,600,000 tons.

The decrease in the extra toll shall be graduated on the following scale:

As soon as the net tonnage shall have amounted during one year to 2,100,000 tons, the extra toll shall, from the commencement of the following year, be reduced to 2½ francs. As soon as the net tonnage shall have amounted to 2,200,000 tons, the extra toll shall, from the commencement of the following year, be reduced to 2 francs; and so on, each increase of 100,000 tons in one year shall be followed by a decrease of a half franc per ton in the following year, and in such manner that as soon as the tonnage shall have amounted in any one year to 2,600,000 tons, the extra toll shall be definitively suppressed, and the toll shall be 10 francs per net ton.

Ships of war, ships built or hired as transports for troops, and ships in ballast, are exempted from extra toll.

CONSTANTINOPLE, 18 December, 1873.

(Signed by the delegates of Austria-Hungary, Belgium, France, Germany, Great Britain, Greece, Holland, Italy, Russia, Spain, Sweden and Norway, and Turkey.)

No. 775.

Mr. Goodenow to Mr. Fish.

No. 12.]

LEGATION OF THE UNITED STATES,

Constantinople, April 7, 1874. (Received May 1.)

SIR: Referring to your dispatch No. 175, in regard to the draft of three Turks professing to be Christians into the military service of the Porte, I have the honor to say that I have been informed by Mr. Locock, Her Britannic Majesty's chargé d'affaires, that more than two months ago Sir Henry Elliot, the British ambassador, obtained a promise from the Turkish minister of foreign affairs that orders should be sent for the release of the three soldiers, but that their consul at Damascus informs him that such orders have not been received, and that the soldiers have not been discharged. Mr. Locock also informed me that, while two of the three persons are actually doing military duty, the third is kept in prison, and that it is undoubtedly a clear case of persecution for opinion's sake.

Mr. Locock at the same time said that, as the question is one between the Turkish government and its own subjects, he has no right to interfere in it officially. Although by the charter of liberties granted by Sultan Abdul Medjid to his subjects in 1856, called the Hatti-Humayoun, "full liberty of worship is guaranteed to every religious profession," and it is provided that "no one can be forced to change his religion," yet, by the treaty of Paris of 1856, to which Great Britain was a party,

perfect independence in regulating its internal affairs is guaranteed to Turkey.

The German minister informed me that he had received no instructions from his government on the subject.

I renew the assurance given in a previous dispatch, that on my part no effort by co-operation with the British chargés d'affaires, or otherwise, shall be wanting to secure the desired result.

I have, &c.,

J. H. GOODENOW.

No. 776.

Mr. Goodenow to Mr. Fish.

No. 14.]

UNITED STATES LEGATION,

Constantinople, April 14, 1874. (Received May 7.)

SIR: As the religious question at issue between the "Hassounists" and "Anti-Hassounists" has led to a great deal of angry discussion and excitement, at one time threatening forcible resistance to the measures of the government, some account of the origin and progress of the controversy may not be wholly without interest.

In the year 1870 the patriarch of the Roman Catholic Armenians, Monsignore Hassoun, resorted to Rome in order to take part in the deliberations of the general council in regard to the infallibility of the Pope.

Upon that occasion he declared very distinctly that, under the circumstances then existing, he thought it not only inexpedient, but even dangerous, to proclaim the dogma of the infallibility of the Pope in the Eastern Catholic Church. He maintained at the same time that the introduction of the Latin ritual demanded by the Pope would cause a secession in the church. He also declined the proposal to introduce into the Armenian church the same hierarchical system that governed the Latin church.

But no sooner was the dogma of infallibility proclaimed than Monsignore Hassoun changed his opinion and became the blindly devoted instrument of the Papal government. On his return to Constantinople, he immediately began to attack the self-government of the Armenian church. He endeavored to abolish two privileges to which the Armenians clung with extraordinary tenacity, and without which the Armenian Catholic Church would have sunk to the slavish level of the rest of the Catholic Church.

One of these privileges was the right of the Armenian community to elect its patriarch, subject to the approval of the Pope. Hassoun tried to prevail upon his community to consent that the Pope should thenceforward name the patriarch. The second point was the management of the church-property by the lay portion of the community as well as by the clergy. Hassoun attempted to deprive the lay portion of their share in this administration.

This attempt was vigorously opposed by the community, and, as Hassoun refused to renounce his schemes, a great part of the Armenians declared themselves independent, and formed a new community, designated as "anti-Hassounists," while the adherents of the Pope and of Hassoun were called "Hassounists." The Turkish government recognized the new community, and authorized it to elect a patriarch. Monsig-

nore Hassoun did not shrink from asking French assistance and organizing a conspiracy against the government. But the Turkish government showed firmness and energy, and banished him from Turkey. Hassoun fled to Rome, where he still lives, and directs the "Hassounist" party in Turkey.

The Pope sent the cardinal Monsignore Franchi as a nuncio to Constantinople to regulate the relations between the Turkish government and the Catholic church. But, although the Turkish government provided for his expenses in Constantinople for more than a year, he could obtain but little more than the formal recognition of the Hassounists as Roman Catholics.

Since that time the anti-Hassounist party has become more numerous, and now claims a great majority of the churches. The French government did its best to induce the Turkish government not only to comply with this request of the Hassounists, but also to withdraw from the anti-Hassounists every right of an independent church. The German minister, seeing that his French colleague interfered with the question, neglected no effort to counterbalance his influence, and kept the former grand vizier in a continual state of vacillation. The financial question, and the hope of obtaining money through the mediation of the French government, kept the grand vizier on the side of the French ambassador, while the entire independence of the Roman Catholic denomination of the Turkish Empire tempted him to yield to the counsels of the German minister. At last Count de Vogüé, the French ambassador, complained to the Sultan personally, and this complaint was one reason of the late grand vizier's (Mehmed Ruchdi Pasha's) fall.

His successor, Hussein Avni Pasha, far more energetic and decided upon the question of the government supremacy, convoked a commission of all Christian subjects of the Porte, which decided that the Hassounists were in the wrong. In consequence of this decision, orders were given to the Hassounists to deliver a great many churches, especially the patriarchal church of the Saviour, at Constantinople to the anti-Hassounists. The Hassounist community was determined to oppose the order, but as they saw that the grand vizier was decided to execute it by force, if necessary, they resolved to present a petition to the grand vizier. They did so. In their memorial, signed by 1,800 Armenian Catholics, after protesting against the designation "Hassounists," as this name would signify that they form a sect the head of which is Monsignore Hassoun, they declined in substance to give up to the anti-Hassounist or dissident Catholics the Armenian Catholic patriarchal church of Saint Saviour, in Galata, as enjoined by the government. The memorialists stated that, while their religion teaches them obedience to the powers that be, it forbids them at the same time to give up their churches and sacred property to dissidents and schismatics. They respectfully, but firmly, decline therefore to give up the church of their own free will, and left the responsibility of ulterior measures upon the government. The members of the deputation having verbally enforced the prayer of the memorial, the grand vizier urged upon them to endeavor to persuade their co-religionists to defer to the decree of the government and to give up the church, but the deputation assured his highness that it would be fruitless for them to make any such attempt. For several days the greatest excitement, and even fear, that violent measures might be resorted to on either side prevailed, the churches in dispute being occupied by night and day by large numbers of Hassounists, well armed, who declared their determination not to surrender their churches.

The government then undertook to effect a compromise, by ordering that the churches should be given up to the government, but the Has-

sounists consented to this only on the condition that they should remain in the custody of the government, and not be delivered over to either of the contending parties.

The principal church is now in the possession of the police.

The Porte, it is said, has determined upon convoking a conference of six leading members of the non-dissident or Hassounist Catholics and six leading members of the dissident or anti-Hassounist Catholics, to see if there be any possibility of arriving at a satisfactory solution of the vexed questions between them.

I have, &c.,

J. H. GOODENOW.

No. 777.

Mr. Goodenow to Mr. Fish.

No. 17.]

LEGATION OF THE UNITED STATES,
Constantinople, April 23, 1874. (Received May 11.)

SIR: Herewith I have the honor to transmit a copy of a report of an advising commission, authorized by imperial *iradé* to examine and report upon the financial condition of Turkey.

The author of the report is Mr. Thomas C. Bruce, chairman of the London board of directors of the Imperial Ottoman Bank, recently chosen a member of Parliament, and brother of the late Sir Frederic Bruce.

It will be observed that the commission estimated the annual revenue of Turkey at 24,800,000 Turkish liras, (a lira is 18 English shillings.) Of this sum, Mr. Bruce informed me the Sultan receives about one-fourteenth, or not far from 1,800,000 pounds Turkish, for his "civil-list" or annual allowance. The actual expenditure of the imperial court is not officially reported, but it is stated on good authority to have been £4,500,000 annually in recent years, with a tendency to considerable increase. The income of a great number of crown domains belonging to the reigning family, as well as the customary presents of tributary princes and high state functionaries, contribute to the private revenue of the Sultan. The whole income, public and private, is said to be insufficient to cover the expenditure of the imperial court.

Meanwhile, Mr. Bruce informed me, the government has been borrowing money at 24 per cent. interest. Sadyk Pasha has recently concluded arrangements for an advance to the imperial treasury of £1,600,000, at an annual interest of 12 per cent., and he found it extremely difficult to obtain the money on any terms.

An article appeared in the *Levant Herald* (the leading paper in the Levant) of yesterday, advocating a suspension of payment by the Turkish government. The writer says:

The moral effect of such a suspension would be useful. The great Turkish Empire would stand before the national creditor as a defaulter, and would be constrained to look its obligations steadily in the face and lay aside the combination of indolence and prejudice which has sunk it into debt, and to apply its resources, which are ample, to its extrication. Turkey is capable not only of paying her debts, but of rectifying her vicious financial system, and would promptly prove her capability under such pressure as would offer her the alternative of doing so, or of sinking to the financial level of Spain.

Mr. Bruce told me that he was satisfied, from his examination of the subject, that the finances of Turkey *might* be placed on a more solid

basis than those of any other European country except England and Germany. It is quite evident where he thinks retrenchment should begin, viz, at the head of the government.

I have, &c.,

J. H. GOODENOW.

[Inclosure.]

THE TURKISH BUDGET.

REPORT OF THE COMMISSION.

The following is the report addressed to the grand vizier by the special advising commission authorized by the Sultan's *iradé* to examine the Ottoman budget for the Turkish year 1290, (March, 1874, to March, 1875.)

The confidence which the government has shown in confiding to us so important a task, would induce us under any circumstances to do our utmost to accomplish it. But at this moment, when a succession of adverse circumstances has hampered the action of the Turkish treasury, and thrown a discredit upon the finances of the Ottoman Empire which is not justified by their real condition, we have deemed it our duty to make the most minute inquiries, in order to ascertain the facts, and to set forth in our report, with complete frankness, the results of those inquiries, the conclusions to be derived from them, and the means which are alone capable, in our opinion, of re-establishing the credit of the empire. We fully agree with the opinion expressed by your excellency that a complete and truthful statement of the financial situation, even in its most unfavorable details, is the only means of inspiring well-founded confidence. In the prosecution of our task, we have had to ask for a number of explanations, revenue tables, and other documents. Everything was communicated to us by the finance department with the utmost alacrity, and we are happy to state that the order and clearness of these books and documents do honor to the treasury accountants.

In examining in detail the budget of revenue we found two classes of items, requiring different kinds of examination, the old taxes and the new taxes, of which the collection begins with the financial year 1290, (March, 1874, to March, 1875.)

With regard to the old taxes, we checked the estimates of the budget by a comparison with amounts actually received under each head in previous years, and had before us for this purpose a comparative table of receipts for each year, from 1278 (Turkish) to 1287 inclusive. We formed our estimates upon these data, with the explanations we sought, as to the manner of calculating the presumed increase or diminution of revenue, according to the receipts of preceding years. Not having the experience of the past to guide us with regard to the new taxes, we had to confine ourselves to an examination of the grounds upon which the calculations had been based for the estimated returns from these sources presented to us. In general, and subject to subsequent remarks which follow, we found the estimates are grounded on moderate calculations, and that there is reason for larger returns than the amounts set forth. With those remarks, we submit some observations on the leading items of the estimates of revenue, some of which call for no comment, after the explanations furnished to us.

Some taxes, especially the *verghis* (poll-tax) and the tithes, cannot be entirely collected within the year. We calculate, following the result of previous years, that the arrears which will necessarily accrue during the ensuing year, will be counterbalanced by the sums still coming in from those taxes unpaid during the past year, as has hitherto been invariably the case, and we therefore confirm the estimate in the present budget. The produce of the tithes is essentially variable, depending upon the quantity and prices of the harvests. The sheep-tax has shown remarkable elasticity with partial variations. Its produce, from 900,000 pounds Turkish in 1278, amounted to 2,000,000 pounds Turkish in 1287. The past year of 1289 having been unfavorable to sheep, we hope that the diminution of 15,000 pounds Turkish, set down in the present budget to make the return the same as that actually reached last year, will not in the end be found to have been necessary. The tithe on agricultural produce has similarly in previous years resulted in an average increase of 5 per cent. annually, and the estimate on this head in the present budget has been calculated on such an increase. This increase appears to arise in part from the real growth of the wealth of the country, which will be still more rapidly developed with the extension of roads and communications, and in part from an improved system of collection. We deeply regret that the government, under the pressure of fiscal necessities which we recognize, finds itself forced to augment the rate of this tax, which weighs almost entirely upon the laboring population, and that, too, at the moment when, by the wise measure of abolishing the internal customs duties, it had decided upon a course which is destined to greatly develop the commerce and wealth of the provinces. We believe, however, that the improvement in the means of collecting this tithe, which has already partially taken place, and which is still being followed up, will, while increasing the revenue, result

in lightening the burden upon the cultivator of a tax of which the difficulties lie principally in its mode of collection.

The estimated customs returns are arrived at by abstracting from the total returns of last year the amount yielded by the now abolished internal customs. The revenue gathered from this source, however, appears to us very inferior to what the customs should yield under a wisely contrived system, so as to obtain from the various articles the taxation they could fairly support, without checking the industry of the country. We are glad to learn that the imperial government has taken the first step in this course, by giving notice of its renunciation of its commercial treaties existing with foreign powers. Nor does this remark bear only upon the matter of customs duties, but upon sources of revenue under other heads, such as the duty on spirituous liquors for instance, which might give a far larger return, and in all countries this item of taxation supplies the treasury with an important resource. In many other items of revenue, also, the government finds itself hampered in the employment of its financial resources by international engagements, and especially by the action of the capitulations. There are several taxes yielding considerable revenue and easy of collection, which, bearing as they do upon the wealthier classes, would permit of a diminution of the burdens now weighing upon the laboring classes, but which cannot be resorted to under existing circumstances, because they could only be levied upon Ottoman subjects, and would thus serve to aggravate in their case differences already too marked and unjust. We hope that the negotiations in question, meeting with intelligent sympathy from foreign powers, will restore to the Turkish government its fiscal liberty, enabling it to establish its financial system upon a solid and regular basis—a liberty, moreover, which is denied to no other government in the world.

The estimate of the yield of the tax on tobacco presents great difficulties. The increase contemplated in the budget depends upon measures in course of being carried into execution, and the complete application of which will involve in the beginning various and considerable delays. We believe that prudence demands the suppression of 500,000 pounds Turkish of the increased revenue estimated to be yielded for this year. We do not doubt that the measures which the government is adopting to establish the tobacco-tax on systematic bases will in future years produce much more considerable results than those now computed, and that the diminution which we recommend will only be temporary. Tobacco is in such universal use in the Turkish Empire that a slight tax ought to produce a considerable sum if the collection of it be properly organized. We must also remark that the consumption of Turkish tobacco abroad is constantly increasing.

This tobacco, of a superior quality and almost unique of its kind, is sold abroad at high prices, and we call the attention of the government to the opportunity offered, in approaching negotiations, of reserving to itself the right of taxing, within wise limits, exported tobacco, as foreign governments themselves raise a considerable revenue upon this product of Turkey.

The forests and mines show estimated receipts calculated, as regards mines, upon the produce of previous years, and with regard to forests upon the results of measures already ordered and in course of execution. These estimates appear moderate; but in the application of a new service, reliance cannot be placed with certainty upon an immediate return. It is clear, however, that these branches of the public service only require enlightened direction to become a very important source of wealth for the population, and, through it, for the government. We do not doubt that the imperial government, in extending the organization already commenced, will do everything necessary to augment and regularize the national production under these heads, and attract the capital essential for the development of these great sources of industry.

The postal and telegraphic service calls for particular consideration, its revenue, which is stationary, being far from equal to its expenditure. The new stamp-duties, if the measure be energetically carried out, promise, we think, to yield much more than is estimated in the budget.

The imperial revenue of previous years down to 1287 (1871) shows a very considerable elasticity, having, without the imposition of fresh taxes, increased from about 13,000,000 pounds Turkish in 1278 to 18,000,000 pounds Turkish in 1287, or nearly 40 per cent. in ten years. This elasticity does not appear to diminish, and must still increase with the extension of commerce and the development of the resources of the empire.

BUDGET OF EXPENDITURE.

For the budget of expenditure, the commission not being qualified to enter upon discussion regarding the requirements of the service, accepts the sums allotted *en bloc* for each chapter of expenses, and leaves to the ministry and the council the responsibility of fixing the sums that may appear to them necessary. We submit the remarks made as to certain details during the examination of the budget.

The sum allotted for the interest and amortization of the general foreign debt is exposed to certain variations which are dependent on the rate of exchange that rules at the time when the remittances are made in Europe, and which may produce a maximum difference of 200,000 pounds, Turkish, on the sum originally estimated. We believe that it would be useful, if possible, to take separate account of the sums paid for

amortization and of those paid as interest on the debt. Amortization is a re-imbusement of capital, and by confounding it with the interest, the claim upon the revenue may appear heavier than it really is.

The sum provided for the payment of the coupon of the loan of 1873 must, according to the remarks which we make on the floating debt, be withdrawn from the budget. Indeed, this sum is detached from the total estimate of expenditure in the rough draught before us. The sum inscribed in the budget for the service of the floating debt would appear to us to be more appropriately designated as being allotted for the "service of the treasury."

In the administration of mines and forests the expenditure appears to us to be considerable as compared with the receipts of those departments; we readily understand, nevertheless, that this expenditure is destined to meet the exigencies of a utilization (of mines and forests) on a much larger scale than that which now exists and which is in process of being developed; we trust that this prevision will be realized. We trust that the sum set apart for the payment of railway guarantees, and which appears to be accurate, for the year 1290, will progressively decrease in the following years. Intelligently and conscientiously handled, the railways must soon give profits large enough to cover the payment of the sums guaranteed.

Deducting the interest on the loan of 1873, which, for reasons stated further on, should not figure in the present budget, the total of the budget expenditure amounts to 25,600,000 pounds Turkish. The receipts, according to our evaluation, amounting to 24,800,000 pounds Turkish, show a deficit on the ordinary budget of the year of 800,000 pounds Turkish, but as this evaluation of receipts is partly approximative, we believe that it is indispensable for the credit of the country to establish a surplus, and that for this, it will be necessary to make on the budget of expenditure reductions of 1,000,000 pounds Turkish at the least. It is beyond our province to indicate the heads under which these reductions must be made; we leave it to the government to make under each separate head of the budget of expenditure the necessary retrenchments, and to establish the equilibrium that we believe to be indispensable for the credit of the empire.

FLOATING DEBT.

We have discussed the various heads of the budget and examined the estimated receipts and the expenditure that has been recognized to be sufficient for the government; and we believe that, with certain unimportant modifications, means can be found of re-establishing the state finances on the only solid foundation—that of an equilibrium between receipts and expenditures.

All the state departments appear to be sufficiently provided for in this estimate, and although a severe control might effect further economies, we have adhered simply to the figures shown in the budget. But the tables of the floating debt present difficulties of quite a different character. In order to re-establish the credit of the government, this debt must be provided for and its renewal be prevented.

The difficulties encountered by the treasury have their principal source in the existence of this debt.

The payment of the various temporary loans, of which the floating debt is made up, falling due at various periods unknown to the public, demands either the frequent renewal of the term of payments or the contracting of new loans to effect those payments. Such loans being often contracted at times when credit is difficult, are only obtained at high rates of interest, rates which are justified by the uncertainty attaching to the re-imbusement at the stated time of the borrowed sums.

This high rate of interest lowers the credit of the country, and, being added to the capital of the debt, swells out that capital in a proportion which cannot but lead to insurmountable difficulties.

The loans of the floating debt are often guaranteed by special sources of revenue which should be devoted to the regular expenses of the state. The encashment of these revenues for the benefit of the floating debt deranges the normal service and unsettles the calculations of the budget. The government has been obliged in consequence to appeal to credit for the requirements of the service, requirements which might be regularly covered by the revenue receipts, if those receipts were applied solely to the yearly expenditure. The result of this has been that actual resources of the empire have become depreciated in the opinion of the public, and this depreciation would not be justified were the treasury to work under normal conditions.

The floating debt consists, in so many words, of the accumulated deficits of successive years, augmented by the interest which has necessarily been added. To inspire confidence and settle the national finances on a solid footing, these deficits must cease to recur. A considerable portion of the total debt is composed of the expenses of different ministries which had exceeded the estimates and been added to the floating debt. Various orders, especially for arms and for navy materials, that have not yet been executed, but that are to be delivered in the course of 1290, have also been added to the floating debt, and provision must likewise be made for these in order to establish an equilibrium. Every government, of course, must either have a floating debt or means in its treasury to enable it to meet its wants before its revenues come in, but

this debt ought not to exceed the amount of those revenues, and should be paid off as the latter are encashed. As the interest on the advances is comprised in this debt, and the product of the loan of 1873 is intended to pay it, we consider that the coupons of that loan should not figure in the present budget for 1290, but that, as according to system, the floating debt is to be paid off during that period, the coupons of that loan, as well as those of other stock which may be created for the purposes of such amortization, should be put down in the expenditure for the year 1291, to balance the budget for which period it will, consequently, be necessary to create, by increase of revenues or by retrenchment, a balance in favor of the treasury exceeding that of 1290 by about 2,600,000 pounds Turkish. The new taxes, customs reorganizations, and tobacco-duty will, to a great extent, make up this difference. The total of the temporary liabilities of the government, including those likely to be incurred in 1290, and the interest on the advances already made, amount to 14,725,274 pounds Turkish, which sum comprises all the advances made on the guarantee of the options of the loan of 1873 and the arrears. To meet these engagements, the government has bonds of the 1873 loan for 7,385,000 pounds Turkish, and for 255,000 pounds Turkish of the "firm" portion of the railway loan, but as the latter loan was to be exclusively applied to payments for railway works, it seems to us difficult to appropriate any of it to payment of the floating debt. Lastly, there is a sum of 7,085,270 pounds Turkish due to the treasury for arrears of taxes, but these arrears, their encashment being difficult and uncertain, cannot be counted upon as an immediate resource for the payment of debts falling due at fixed dates.

To provide for the canceling of the floating debt, we think a fund will have to be formed to meet the liabilities on falling due in anticipation of the receipt of the revenues in respect of which the advances have been contracted, such fund to be guaranteed by the deposit of stock. After all, the effective realization of the stock serving for the amortization of the floating debt depends on the credit of the government. At this moment the bonds could not be issued except at disastrous rates, and the operation will only be practicable by carrying out the whole of the measures proposed. The receipts and expenditures being, as we believe, genuinely estimated, the public should have every possible guarantee that the expenses as inscribed in the budget will not be exceeded, and that there will not be any "extraordinary expenses" beyond the budget to disturb the equilibrium established and create a deficit under the name of floating debt or any other designation. This assurance being given and acted upon, will alone suffice to restore the credit of the government and render the liquidation of the floating debt an easy operation at reasonable rates. But without such assurance we do not see the possibility of that result being attained.

In conclusion, it is evident that the measures necessary for this object will call for painful sacrifices for the moment. Not only will the regular service have to be placed on the footing of a severe economy, which can be effected by their re-organization, but many projects of improvement will have to be deferred. The empire offers a vast field for such projects; the opening up of communications by land and sea, the development of the wealth of the mines and forests, the construction of ports, and many similar undertakings, call for the attention of the government, and would indefinitely increase the prosperity of the country. But in the present state of the finances these projects, though of incontestable utility, are impossible, the charges of the capital necessary for executing them being larger than any profit which it could be hoped to derive from them. If the finances are re-established on the solid basis of an equilibrium between income and expenditure, this difficulty will disappear in a short time. The capital necessary for undertakings so essential and so pregnant with results will be easily found at rates much below those which have hitherto had to be paid, and the progress of the empire will advance with rapid steps. We have deemed it right to present these observations, they being necessary, in our opinion, to the explanation of the budget which has been referred to us, and on the observance of which depends the credit of the empire.

We believe that the way we have pointed out is the only one capable of restoring the elasticity of the credit of the empire. The re-establishment of the finances will be counted among the glorious events of the reign of His Majesty the Sultan, and, if it cost temporary sacrifices, it will enable him hereafter uninterruptedly to pursue the projects of improvement which he has conceived for his empire.

This report is dated Constantinople, February 17, and is signed by Yussuf Bey, director-general of the administration of forests and mines, (now minister of finance;) Edib Effendi, president of the *cour des comptes* or accountant-general's department; Ohannes Tchamitch Effendi, governor of the general debt; Bedros Couyoumdjian Effendi, formerly director-general of the forests administration; Edwards Effendi, ex-vice-president of the council of indirect taxes, (customs;) Christaki Zographos Effendi, Agob Keutchoglu Effendi, and Mr. George Zarifi, bankers; Messrs. Thomas C. Bruce, Hugh Forster, and Emile Deveaux, respectively administrator, director-general, and director of the Imperial Ottoman Bank; and Messrs. S. Fernandez, B. Tubini, and George Coronio, representing respectively the *Société Générale*, the *Crédit Ottoman*, and the Bank of Constantinople.

No. 778.

*Mr. Fish to Aristarchi Bey.*DEPARTMENT OF STATE,
Washington, March 24, 1874.

SIR: I have the honor to acknowledge the receipt of your note of the 19th instant and the document by which it was accompanied, the former presenting an interesting statement of the conclusions reached by the late international commission at Constantinople in regard to the measurement of vessels and dues upon the Suez Canal.

The hope which you express, that the United States will adopt the results which the commission arrived at, shall be taken into consideration. To that end, a copy of your note will be transmitted to the Secretary of the Treasury with a request for his views on the subject.

I avail, &c.,

HAMILTON FISH.

No. 779.

*Mr. Fish to Aristarchi Bey.*DEPARTMENT OF STATE,
Washington, May 26, 1874.

SIR: Referring to your note of the 19th of March last, in regard to the measurement of vessels and tonnage dues on the Suez Canal, and to my reply of the 24th of the same month, I have the honor to inclose herewith a copy of a letter, under date of the 20th instant, addressed to this Department by the Secretary of the Treasury, containing his views upon the subject.

I avail myself, &c.,

HAMILTON FISH.

[Inclosure.—Extract.]

*Mr. Richardson to Mr. Fish.*TREASURY DEPARTMENT,
Washington, D. C., May 20, 1874.

SIR: I have the honor to acknowledge the receipt of your letters dated the 2d and 25th of March last, respectively, relating to a note addressed to you by the Turkish minister, in which he states that the solution of the tonnage question will be greatly aided by the consent of a great maritime power like the United States, to avail itself of the scientific results which have been attained by the labors of the international tonnage commission, recently concluded at Constantinople, and expressing the hope that this Government will make a favorable decision to be communicated to his government.

In reply to your suggestion that the conclusions of the commission may deserve consideration, and your request for an expression of the views of this Department in regard to the matter, I beg to state that the system of admeasurement established by Congress in 1864, and now in use in this country, has become familiar to the officers of the Government and to all concerned; and that as the laws in regard to the amount of tonnage dues to be collected are based upon that act, any change therein would affect, to some extent, the revenues derived from tonnage. It may also be observed that no change could be made, without the sanction of Congress, the contemplated early adjournment of which body would probably prevent a proper consideration of the subject, even if its attention were drawn thereto.

For the reason stated, and in view especially of the information * * * that the tonnage question is far from settled, and that there is no immediate prospect of its satisfactory solution, I recommend that no action be taken, at least before the next regular session of Congress, looking to the adoption of the measures proposed by the commission. If at that time it should be found that the whole matter, so far as it relates to the tolls of the Suez Canal, has been satisfactorily adjusted, and that there

is a general disposition on the part of the principal maritime powers to adopt the conclusions of the commission, I shall be happy to give the subject a more extended consideration, and to recommend legislation which will make our present system conform to the recommendations of the commission in all respects as it is understood already to do in regard to the most essential particulars. In the meantime I should be pleased to be apprised of any further information touching the subject which you may receive.

I have, &c.,

WM. A. RICHARDSON,
Secretary.

No. 780.

Mr. Fish to Aristarchi Bey.

DEPARTMENT OF STATE,
Washington, July 28, 1874.

SIR: Referring again to your note of the 19th March last, in relation to the measurement of vessels and tonnage dues on the Suez Canal, I have the honor to inform you that it has been decided by the Treasury Department to furnish vessels bound to Europe and likely to visit the Suez Canal, a special certificate of admeasurement, conforming to the international tonnage commission which recently sat at Constantinople.

I avail myself, &c.,

HAMILTON FISH.

EGYPT.

No. 781.

Mr. Beardsley to Mr. Fish.

No. 92.]

AGENCY AND CONSULATE-GENERAL
OF THE UNITED STATES AT ALEXANDRIA, EGYPT,
Cairo, May 7, 1873. (Received May 31.)

SIR: I have the honor to acknowledge the receipt of your dispatch No. 50, of the 5th ultimo, acknowledging the receipt of my dispatch No. 72, and referring to the expedition of Sir Samuel Baker, about which you remark there is more or less mystery which the dispatches from this consulate do not enable the Department to solve.

The mystery which surrounds the expedition of Sir Samuel Baker is as great in Egypt as in Europe or America, and it not only attaches to and involves the fate of the expedition but its objects.

Baker's original instructions will probably never be known unless he lives to tell them himself, but it is beyond question that the chief object of the expedition was to bring within the pale of Egyptian rule and authority the country bordering on the White Nile and the great lakes, to establish a regular and safe line of communication between those regions and Egypt proper, to encourage agriculture and commerce, and to destroy the slave-trade. From what the Khedive has informed me at different times, I am satisfied that he expected Baker to regard the destruction of the slave trade as a matter of secondary importance which would follow from the subjugation of the country. His mission was to conciliate the tribes, and to disturb the commerce and trade with the Lower Nile as little as possible. He was to be cautious and diplomatic in all things, bearing in mind that his mission was to advance the interests of Egypt in Central Africa, and do nothing which might retard the progress southward of the Egyptian flag.

Undoubtedly, Baker, attaching more importance to the destruction of the slave-trade than to the aggrandizement of Egyptian interests, showed but little consideration to the slave-dealing tribes and none at all to the professional slave-traders. He perhaps counted too much on the Egyptian troops with him, and hoped for too much from the Khedive's promises of support. At all events he was soon in trouble, and as his force diminished, the natives manifested more and more opposition to his advance. The slave-traders were his deadly enemies from the beginning, a strong proof of his open hostility to the slave-trade. He marched and fought, when necessary, under the Egyptian flag, in the capacity of an Egyptian pasha, and his deeds were credited to the Egyptian government. The trade of the country was interrupted, fewer slaves came down the river, and almost no ivory or ostrich feathers. The Khedive, as you may imagine, was disappointed, not that the slave-trade was interfered with, but because commerce was checked, and principally because the natives had become incensed against the Egyptian flag.

In my dispatch No. 45 of the 11th of December, in which I had the honor to report a conversation with the Khedive, I represented the Khedive as saying that he did not know what Sir Samuel's object was in making the disastrous expedition into the interior of the country, the reports of which had just reached his highness. In making this remark his highness referred to this particular warlike expedition, and not to the general nature of Baker's expedition; and when he afterward intimated that Sir Samuel had disobeyed his orders, I understood him to mean that those orders were to conciliate the natives by peaceful and paternal measures, if possible, or to reduce them by force of arms to submission to Egyptian authority, if necessary, but to leave the suppression of the slave-trade in the background as a question to be settled when the country was thoroughly occupied, and in any event not to wage war against it.

I think I represent the Khedive's views with regard to Baker's expedition correctly; and I think it must be admitted that those views, however selfish may be their inspiration, are, under the circumstances, sound and practical, provided always the suppression of the slave-trade is to be accomplished by an invasion of the country which furnishes the slaves. That the only true way to destroy the traffic in slaves is first to destroy the demand for slaves is, however, so self-evident that one is compelled to believe that the suppression of the slave-trade was only a secondary and minor object of the mission of Sir Samuel Baker.

The Khedive has become convinced, whether rightly or wrongly is not certain, owing to the lack of official information from the expedition, that Baker, by waging active war against the slave-trade, has defeated the chief object of his mission, which was to subject the country to the Egyptian flag.

In my dispatch No. 72 of March 5, I had the honor to contradict a report that Baker had reached Khartoum on his way down the river.

Shortly after the date of that dispatch a startling report reached Egypt from Europe that Sir Samuel and Lady Baker had been assassinated at Gondokoro. As the report was almost immediately contradicted in the public prints, I did not consider it necessary to refer to it in my dispatches. Our agent at Khartoum has instructions to report to me by telegraph any reliable news he may obtain concerning Baker and his expedition. In a letter from the agent, lately received but written more than a month ago, he reports that an expedition for the relief of Baker, consisting of two steamers, eight barges, and several hundred soldiers, had left Khartoum about the middle of February, under the command of

the governor of the province. In a later letter just received he says that no news had, at that writing, been received from the relief expedition or from Sir Samuel Baker. I inclose herewith a translation of a dispatch from Khartoum which has recently been received here, stating that a native merchant had just reached that place from Gondokoro with the news that Baker and his party were safe and well at Fatoukra at the date of his departure. I also inclose an extract from a letter from M. O. Higginbotham, which appeared in the Times of the 21st of April, and which you may have already seen.

At an interview with the Khedive, on the 4th instant, his highness informed me that he had no further news from Baker than that contained in the dispatch which I have the honor to inclose herewith, but he expressed his entire belief in the safety of Baker, and said he hoped to have favorable news from his relief force at an early day. He assured me that he had received no communication from Baker for at least a year. This statement seems almost incredible in view of the fact that Gondokoro is garrisoned by Egyptian soldiers, who, of course, send down to the government reports occasionally, and yet they profess to know nothing at Gondokoro of Baker's movements, although he is supposed to be but thirty miles south of that place.

It is known that Baker left a considerable force at Gondokoro, with some of his English assistants, and it can hardly be supposed that they would not have received tidings had any great disaster overtaken their chief, or that they would lie still while he was in danger for want of re-enforcements.

Altogether, there is a painful uncertainty and inexplicable mystery about the entire affair, and I await news from Khartoum with interest.

Colonel Stanton, Her Britannic Majesty's agent in Egypt, informs me that he has received no communication from Baker for fully eighteen months, but that he does not despair of his safety.

The Colonel Purdy mentioned in my dispatch, as having been placed in command of the expedition ostensibly for the relief of Baker, is the same as mentioned in Mr. Butler's dispatch No. 4, of the 4th of June, 1870, and who is there called E. Sparrow Purdy, and rated as lieutenant-colonel of topographical engineers. He has since been promoted to the rank of colonel of the same corps.

I had the honor, in referring to this expedition in my dispatch No. 47, of December 15, 1872, to state that Cherif Pasha had assured me that it would be composed of about 100 men, and was intended for the relief of Baker, going by the way of Zanzibar, to escape the difficulties of the Upper Nile. Again, in my dispatch No. 72, of the 5th of March, 1873, I referred to the same expedition, stating that it was about to take the field, and observing that it was difficult to believe that its object was the relief of Baker, as its proposed route was by Zanzibar, and as His Highness had informed me that it would not leave the coast for the interior until next autumn. There has been great delay in the preparation of this expedition and entire uncertainty as to its object, and I have now to report that it is understood by the officers attached to it that its movement is indefinitely postponed.

Reports are rife here of an understanding between the Khedive and the Sultan of Zanzibar to defeat the mission of Sir Bartle Frère, and Purdy's expedition is associated with that object. It is needless to say, however, that such reports, however probable, can be traced to no reliable source.

I am, &c.,

R. BEARDSLEY.

[Inclosure 1 in No. 92.—Translation.]

[Telegram.]

KHARTOOM, April 23.

Recent and trustworthy news received here relative to the expedition of Sir Samuel Baker informs us that his excellency is at Fatoukra in good health.

A native merchant, named Bokour, has arrived at Khartoom from Gondokoro and the Upper Nile, bringing direct and personal news of the expedition of Sir Samuel Baker. He reports that Baker and all his party were, at the date of his departure from Gondokoro, safe and well at the station of Fatoukra, (supposed to be about fifty miles south of Gondokoro.) He says that while he was at Gondokoro a messenger arrived in that village from Baker Pasha, and that he heard the messenger give an order to the son of the King, ordering him to send two hundred additional soldiers to Fatoukra.

(Query : Were the soldiers sent ?)

[Inclosure 2 in No. 92.]

Copy of an extract from a letter from M. O. Higginbotham, published in the Times of April 21, 1873, (translated from the French.)

I have received a letter from my brother, chief engineer of the expedition of Sir Samuel Baker, dated at Gondokoro, September, 1872, which I would have sent to you if my brother had not made me promise that his letters should not be made public.

The entire expedition was at Gondokoro on the 23d January, 1872. Sir Samuel, with two hundred men, left immediately afterward, directing his course toward Lake Nyanza. The natives created difficulties, and, judging by the letter in question, you had reasons for fearing that Baker had been killed. I think, however, that had he run such great danger he would have called to his aid the balance of his forces, (eight hundred men,) which he left in charge of my brother Edwin.

No. 782.

Mr. Babbitt to Mr. Fish.

No. 110.]

AGENCY AND CONSULATE-GENERAL
OF THE UNITED STATES IN EGYPT,
Alexandria, July 1, 1873. (Received July 22.)

SIR: I have the honor to inform the Department that a telegram was received yesterday, dated June 29, by the English consul-general here, from Sir Samuel Baker, in which he announces his safe arrival at Khartoom with all the other Europeans, and the complete success of the expedition, which had conquered and pacified the country as far as the equator.

A dispatch from the governor-general of the Soudan to the Egyptian government confirms the news of the safe arrival at Khartoom of Baker and his expedition, and adds that an English engineer (probably Mr. Higginbotham) had died at Gondokoro.

I have reason to believe that the Egyptian government does not regard the success of this expedition as assured so completely as the dispatch from Sir Samuel Baker would indicate.

I have, &c.,

H. A. BABBITT,
Vice-Consul-General.

No. 783.

Mr. Beardsley to Mr. Fish.

No. 123.]

AGENCY AND CONSULATE-GENERAL
OF THE UNITED STATES IN EGYPT,
Cairo, September 3, 1873. (Received September 29.)

SIR: I have the honor to inform you that Sir Samuel Baker and Lady Baker arrived at Cairo on the 24th ultimo, where they are now stopping.

I have had the pleasure of several interviews with Sir Samuel, on which occasions he graphically detailed the incidents of his expedition and expressed himself satisfied with the work he has accomplished. He claims that he has absolutely crushed the slave-trade for the time being. He admits, however, that it will assume its former proportions unless the Khedive maintains a determined officer and a sufficient force in the country.

He describes the country lying east of the Albert Nyanza, north of the Victoria Nyanza, and between the equator and latitude 4° north, as beautiful, fertile, and healthy, with a most pleasant and salubrious climate. He carried with him European garden-seeds, cotton-seed, and seeds of all the cereals grown in Egypt, and wherever he formed a station he immediately planted and cultivated the surrounding country. The result proved that the soil and climate are peculiarly well adapted to the growing of all agricultural products. The soil is a dark, rich, plastic loam, from two to three feet deep, with a subsoil of gravel of equal depth, which drains the surface admirably, and conduces to the healthfulness of the region. Rains are frequent and abundant during nine months of the year, and the temperature is remarkably equable. I examined his meteorological records for two years. At Fatiko, for six months, from June to December, the thermometer at sunrise never varied more than 4 degrees from 64, and at noon never more than 7 or 8 degrees from 86. Fatiko is in latitude $3^{\circ} 1'$ north, longitude $32^{\circ} 36'$ east, and is about 4,000 feet above the sea. The general face of the country is slightly rolling, with occasional rocky eminences, and when not occupied and cultivated by the natives, it is mostly covered with a rank grass jungle from 8 to 10 feet high, and dense forests. A monopoly of the trade of this vast region was sold by the government, a few years ago, to a party of traders, who, instead of carrying on a legitimate trade, organized armed forces from deserters from the army in the Soudan, and from such of the natives as would join them, and devastated the country, plundering and burning the towns and villages, and carrying off the inhabitants as slaves. These armed bandits were, from the beginning, the mortal enemies of Sir Samuel, and left no device or expedient untried to defeat his purposes and destroy him and his little band. Nothing, however, could withstand Baker's impetuous daring, backed by his Snider rifles; and by the end of 1872 he had completely crushed the slave-dealers and driven them from the country. He then organized the country into districts, built fortifications at the chief stations, and collected the corn-tax in the name of the Egyptian government. The people rejoiced at the defeat and expulsion from the country of their enemies the slave-traders, rose as one man in favor of Baker and the Egyptian government, and Sir Samuel came away leaving the country prosperous and at peace. The chief of the slave-traders was one Abou Saood, who, after, exercising all of his skill and diplomacy to defeat Baker, not hesitating to employ assassins to put him out of the way, and being

finally totally defeated, escaped to Khartoum, and finally reached Cairo last spring, bringing the report of Baker's defeat and probable death which was current here several months ago. When Baker reached Khartoum he telegraphed to Cairo and had Abou Saoud arrested, and he is now in prison here awaiting trial for the offenses charged against him by Sir Samuel.

Sir Samuel is sanguine that there is a water-communication between the Albert Nyanza and the Tanganyika, notwithstanding the statement to the contrary of Livingstone and Stanley. He thinks the natives, who make the journey between Ujiji and the Albert Lake very often, cannot well be mistaken when they declare that the entire journey is made by water. Stanley is very positive in his assertion that the river at the north end of Tanganyika is an affluent and not an effluent.

Without pretending to solve this interesting geographical question, Sir Samuel suggests the probability of the Albert Nyanza's being the reservoir of both the Nile and the Congo. On this supposition the river at the north end of the Tanganyika, described by Stanley as entering that lake from the north, flows out of the Nyanza, and the natives are correct in their statement that there is a continuous water-passage between the two lakes. On any other supposition either the natives or Livingstone and Stanley must be mistaken.

I inclose herewith Baker's letters, as they appeared in the London Mail. Doubtless you have already seen these letters, which so graphically describe Sir Samuel's adventures, but it may be desirable to have them on file in the Department. I also inclose a correspondence between Earl Granville and Sir Bartle Frère in regard to the alleged carelessness of Dr. Kirk in forwarding supplies to Dr. Livingstone.

I have, &c.,

R. BEARDSLEY.

No. 784.

Mr. Beardsley to Mr. Fish.

[Extract.]

No. 125.]

AGENCY AND CONSULATE-GENERAL
OF THE UNITED STATES IN EGYPT,
Cairo, September 10, 1873. (Received October 6.)

SIR: Since my return to Egypt both His Highness the Khedive and his excellency Nubar Pasha have spoken to me very earnestly on the subject of judiciary reform.

* * * * *

I remarked that I thought the subject had been considered by the United States entirely on its merits, and I endeavored to explain to His Highness that a question of so much importance as that of judiciary reform, which proposed to change the status of American interests in Egypt and modify our treaties with the Ottoman Empire, could not be finally accepted by the United States without the approval of the treaty-making powers, the President and the Senate. His Highness asked me if the President and yourself accepted the reform, subject to the approval of the Senate. I replied that I was not prepared to answer that question at present.

His excellency Nubar Pasha is very desirous to commence the organization of the new courts early next year, but does not feel warranted in doing so until at least two other powers shall have accepted the project. England, Prussia, and Italy have formally accepted it. The

interests of these countries in Egypt are very great, and the reform has been accepted by them only after mature consideration. So far as I know, there is not a single foreign representative here, unless it be the Greek, who has lately arrived, who is not personally in favor of the project; and a knowledge of the existing state of things in Egypt would convince the greatest stickler for consular authority of its necessity for the good administration of justice.

A few of the nationalities represented here support regular organized consular courts of law, presided over by judges competent to administer justice according to the laws of their respective governments. Such courts are maintained only by England, France, and Italy. With the thirteen other countries represented here by consuls-general, justice is administered by the consul-general or his vice-consul-general, or whoever may be delegated for the purpose or happen to find himself in charge. I do not know that it is a very serious reflection on the consular corps of Egypt to say that, as a rule, justice is not administered in their courts. Legal attainments are not always made a test of appointment to these positions, and even the best legal mind might be confused with sixteen different codes of laws to deal with. Besides, several of the consuls-general in Egypt are not natives of the countries they represent, and have a very imperfect knowledge of their laws.

From this state of things results legal chaos, and the consular tribunals are choked with thousands of cases which, owing to disputed jurisdiction, unjust decisions, lack of executive power, &c., can never be settled until some reform is introduced.

The guarantees given by the Egyptian government in the project of reform now proposed appear to be ample, and the probation clause removes all apprehension of a permanent mistake being made. Every feature of the proposed reform was so ably represented to the Department by my predecessor, Mr. Hale, at the time the subject was under discussion in Egypt, and by Mr. Boker, during the consideration of the project by the commission at Constantinople, that I need enter into no details. The subject has not been officially considered in Egypt since I have been here until now. Now, however, that his excellency Nubar Pasha has returned to Egypt, the base of operations has again changed to Cairo, and it becomes desirable that I should know exactly how far our government has committed itself to the project.

The speedy acceptance of the judiciary reform now under consideration by all the powers would be an act of mercy to Egypt, and it would be a great satisfaction to me to be able to assure His Highness that we have accepted it in all its details, subject only to the approval of the Senate, and that the matter will be submitted to the consideration of that body as soon as it shall have assembled.

I am, &c.,

R. BEARDSLEY.

No. 785.

Mr. Beardsley to Mr. Fish.

No. 128.]

AGENCY AND CONSULATE GENERAL
OF THE UNITED STATES IN EGYPT,
Cairo, September 16, 1873. (Received October 13.)

SIR: An incident of considerable importance, as affecting the slavery question in Egypt, has lately occurred at Mansourah, in Lower Egypt.

Since the time slavery was formally abolished by the Egyptian government it has been the custom of slaves wishing their liberty to apply to the consuls or consular agents of Great Britain, who invariably obtained it for them by sending the applicants to the police authorities with an officer of the consulate, and demanding their emancipation-papers. Without either treaty-rights or any particular understanding on the subject with the Egyptian government, the English authorities in Egypt have been recognized as the champions of the Egyptian slave, and thousands of slaves have been liberated through their active interference.

It has long been the proclaimed law of Egypt that slavery was illegal, and that any person held in bondage had only to apply to the prefect of police of the district to obtain his or her emancipation-papers.

This law was, however, virtually a dead letter, for the reason that a direct application to the native authorities was generally attended with disastrous results to the applicant. The slave's master was notified of the application, and asked whether he had any criminal charge to make against the slave. The most petty charge of theft or misdemeanor was sufficient to remand the wretch back into the hands of his master, who was only too apt to inflict some terrible punishment for the attempt to escape.

The slave's application to the British consulate was, however, attended with more happy results. The master's charges were ignored, unless they happened to be serious, in which case it was a matter for prosecution before the court, and, in any case, the slave's freedom was secured and his future safety looked after.

The numbers of slaves heretofore applying at the British consulates have not been very great at any one time; perhaps two or three a week at each of the agencies would be an average. For some unknown reason, however, there has latterly been a perfect stampede of slaves at Mansourah, and 1,700 have applied at the British agency for their freedom within a month, while there were indications of the entire slave population of the province following the example.

The Egyptian authorities, of course, became greatly alarmed, and His Highness the Khedive, on learning the facts, at once summoned Mr. Vivian, acting British agent and consul-general, in the absence of Colonel Stanton, for a conference on the subject.

The situation was an embarrassing one for His Highness; for however sincere and earnest he may have been in his professed desire to see slavery abolished in Egypt, yet he could not consent to immediate emancipation, which must necessarily inflict serious loss on his people, and, for the time, paralyze the industry of the country. Yet to refuse the applicants their freedom was virtually to legalize slavery throughout the country.

A crisis had fortunately arrived which must determine the question of slavery in Egypt.

Without entering into the particulars of the negotiations on the subject, I will briefly state the general results up to the present time.

As for the past, all the slaves who have applied at the British consular agency at Mansourah have been emancipated and their masters indemnified by the Egyptian government.

As for the future, a treaty between Egypt and England is being negotiated, the general features of which are as follows, viz:

1st. Slavery, or the holding of persons to involuntary servitude, shall cease in Egypt after the expiration of five years from the date of the signing of the treaty.

2d. It shall be a criminal offense to buy, sell, or hold a slave after that date.

3d. In the mean time, until the expiration of five years, liberty will only be granted to slaves whose masters shall have used them with undue cruelty.

4th. It shall be considered a crime to be punished with death, for any person to make a eunuch.

These are the general features of the proposed treaty; all its details have not yet been agreed upon, but I hope to report them at an early day.

It will be thus seen that the slavery question in Egypt is in a fair way of being satisfactorily and permanently disposed of. It is not to be supposed that the prospect is an agreeable one for His Highness the Khedive's subjects, and even His Highness himself might be excused for regretting the necessity of such a step in view of the immense advantage slavery would give him, for the moment, in his development of the Sou-dan and the lake region.

I am, sir, &c.,

R. BEARDSLEY.

No. 786.

Mr. Beardsley to Mr. Fish.

No. 137.]

AGENCY AND CONSULATE GENERAL

OF THE UNITED STATES IN EGYPT,

Cairo, October 6, 1873. (Received October 31.)

SIR: Referring to my dispatch No. 128, of the 16th ultimo, relating to the liberation of slaves at Mansourah, and to a proposed treaty between England and Egypt for the abolition of slavery in Egypt, which I represented as about being concluded, I have now the honor to inform you that, although the negotiations on the subject are still pending, the prospects of a treaty, as originally proposed by England, are not encouraging.

The Khedive is willing to bind himself by treaty to abolish the slave-trade, to make the creation of eunuchs a criminal offense, and to abolish every kind of involuntary servitude except domestic slavery. He thinks that the abolition of domestic slavery would be not only impolitic and practically impossible, but unjust toward his subjects.

I have the honor to inclose herewith a translation of a dispatch from His Excellency Nubar Pasha to Mr. Vivian, explaining the views of His Highness on this subject.

It will be observed that his excellency states that the orders hitherto given by His Highness, in regard to the liberation of slaves, have been that only those were to be liberated who could prove that they had received cruel treatment from the hands of their masters. Now, it is generally understood by the foreign representatives in Egypt, as well as by Europeans residing here, that slavery has heretofore been looked upon as illegal by the Egyptian government. It appears to be certain that His Highness has, on more than one occasion, publicly announced that slavery did not legally exist in Egypt; that it only existed in fact in the mildest form of domestic slavery; and that every slave demanding his freedom would be liberated at once by the Egyptian authorities.

That all slaves demanding their freedom through the intermediary of any consular authority have hitherto been liberated, regardless of their former treatment, seems to be equally certain. While, therefore, slavery has been tolerated and rather encouraged than otherwise in Egypt during the past eight or ten years, it has been declared to be illegal by the words of His Highness and by the acts of his officials, and the dispatch of Nubar Pasha must be considered in connection with these facts.

It was after the date of this dispatch that the draught of a treaty was drawn up substantially the same as indicated in my dispatch No. 128. This draught was taken into consideration by His Highness, who finally struck out the clause abolishing slavery after the expiration of five years. I have every reason to believe that the balance of the draught is now being considered at Constantinople and London, and it is possible that a satisfactory treaty may be concluded.

Domestic slavery would soon disappear as a feature of the country if the slave-trade could be effectually suppressed, but there is no question but that the traffic in slaves is actively carried on in every town of any considerable size in Egypt. There are no public slave-markets, and the trade is conducted quietly for fear of attracting the notice of strangers and the government officials, but slaves may be bought without difficulty throughout the country.

It must be borne in mind that it is a mild and harmless traffic as compared with slave-trading in other parts of Africa, and that domestic slavery in Egypt presents but few of the horrible features which have been witnessed in other parts of the world.

Sanctioned by religion as well as by the practice of centuries, it will be difficult to eradicate slavery from Egyptian soil. The complete suppression of the slave-trade is the first great step to be taken in that direction.

In view of the present state of the negotiations on this subject, would it not be well for our Government to represent to the Khedive the great interest which it takes in this matter, and to assure His Highness that an energetic and honest crusade against the slave trade, on his part, will meet the warm approval of the United States.

I am, &c.,

R. BEARDSLEY.

[Inclosure.—Translation.]

Nubar Pasha to Mr. Vivian.

MINISTRY OF FOREIGN AFFAIRS,
Cairo, September 1, 1873.

SIR: I have had the honor of receiving the dispatch which you have addressed to me, under date of the 16th ultimo, with reference to the three hundred slaves which the moodir of Mansourah hesitates to set free.* You ask me what are the orders of His Highness on this subject, so that you may be able to bring them, at the same time, to the knowledge of your consul at Mansourah, desirous as you are to act in perfect harmony with the local authorities in carrying out the measures leading to the abolition of slavery. As for the special case of these three hundred slaves now at Mansourah, I have already made known to you the dispositions taken by His Highness. All of the slaves who are foreigners to the moodirieh of Mansourah will be sent to their native moodirieh. The owners will be searched for, and His Highness will pay to each of them the price of the slave, who will be thus naturally and legally set free.

* These three hundred slaves were only a small part of the number liberated at Mansourah; in all 1,700 were liberated within a month, as mentioned in my dispatch No. 128.—R. B.

The Khedive has further directed me, in compliance with the desire which you have expressed to me, and which is his own desire as well, to recapitulate his ideas and to acquaint you with the orders really issued respecting slaves in Egypt. It was not possible for His Highness to issue orders, and it seems to have been understood that it was only necessary for a slave to present himself before the local authorities in order that those authorities should be under the obligation to give him his free papers. Such a proceeding would be considered arbitrary on his part, and would have necessarily led to a result diametrically opposed to that which His Highness proposes in stimulating the public sentiment against measures tending to injure arbitrarily private rights legally acquired.

This public sentiment has all the more reason to exist, since in the Orient, and especially in Egypt, the religion and customs correct, as much as is possible, whatever there is hard and cruel in the condition of the slave. The governments of Europe which have abolished slavery in their colonies, have taken account, in the interest of justice, of the rights acquired by the owners, and it was only by fair means and the payment of large indemnities that they put an end to an institution which even their religion condemned.

His Highness, therefore, could not, in the orders he issued, abandon the care and protection which he is supposed to have for institutions consecrated by religion and custom. For this reason the orders he has always given were intended to authorize the government's employés not to free all the slaves who might claim their liberty, but only those who may have suffered cruel treatment on the part of their masters, whether they presented themselves or whether they asked for their freedom through some other person.

The local authorities are obliged, in such cases, to inquire as to the truth, and once the maltreatment is proved the freedom is given.

I must not conceal from you that this measure conflicts somewhat with the religious law, which prescribes that the slave, when ill-treated, has only the right to ask that he shall be sold to another master. But, on the other hand, from the religious precepts prescribing kindness on the part of masters toward their slaves, and in the midst of a people possessing good and gentle manners, it may be inferred, without exciting any hostile feeling, that the slave is legally free the moment the benevolent precepts of the religious law are not applied to him.

I therefore repeat that the spirit of the Khedive's orders is that the local authority shall interfere and set free all slaves who may claim their freedom on the ground of ill-treatment, the moment the ill-treatment is proved, regardless of the owner's claim to be indemnified for his loss.

These orders certainly will not nor cannot bring to an end the institution of slavery in Egypt. This institution can only be made to disappear by the complete abolition of the slave-trade, and the complementary measures, of which His Highness has spoken to you as well as to his excellency the ambassador of Her Britannic Majesty at Constantinople.

I believe, Monsieur l'Agent, that I have fully answered your dispatch, and also the desire you have verbally expressed to me, and in the hope that these explanations will be of a nature to dissipate all misunderstanding, I have the honor to beg you to accept the expression of my highest consideration.

NUBAR.

Hon. Mr. VIVIAN,

Her Britannic Majesty's Agent and Consul-General in Egypt.

No. 787.

Mr. Beardsley to Mr. Fish.

No. 139.]

AGENCY AND CONSULATE-GENERAL
OF THE UNITED STATES IN EGYPT,
Cairo, October 7, 1873. (Received October 31.)

SIR: An affair which engaged much of my attention last winter and spring was satisfactorily terminated a few days before I left Egypt on leave of absence, last June.

In the year 1861 His Highness Saïd Pasha, then Viceroy of Egypt, gave to the American missionaries in Egypt a large and valuable building in Cairo, containing about twenty-five large rooms, and valued at the time at over \$25,000. The building covered about 1,500 square meters, and

was well located in the most eligible part of the city, overlooking the large public place called the Esbekieh. It was somewhat dilapidated, and its apartments were badly arranged, but the missionaries repaired and improved it from year to year until it became well adapted to their purpose and afforded ample room for their schools and chapel, and commodious apartments for two families.

The presentation of this property is mentioned in Mr. Thayer's dispatch No. 12, of November 26, 1861, and is again referred to in his dispatch No. 17, of March 13, 1862. In the latter dispatch Mr. Thayer states that the property was granted to the missionaries in fee-simple, and estimates its value at not far from \$50,000.

He was mistaken as to the nature of the grant, and his valuation was undoubtedly too high at that time; the valuation of \$25,000, as given in his dispatch No. 12, was nearer correct.

The property was given to the missionaries, to be kept by them so long as they continued to use it for their schools and the legitimate purposes of their missionary labors, and no longer; they could not sell it nor dispose of it in any manner, and of course they possessed no *hodget* or deed for it. They held in their hands a paper signed by the governor of Cairo, specifying the nature of the grant and describing the property.

When the city was surveyed and remapped for the purpose of locating the broad boulevards which were to intersect it, it was discovered that this missionary building occupied a very important and valuable site, and steps were at once taken to obtain possession of it for the purpose of pulling it down and erecting a more ornamental and profitable structure. The missionaries were notified unofficially to vacate the premises. The government was reminded of the terms of contract given by Saïd Pasha, and negotiations were commenced, which lasted from that time (1869) until last June.

When I arrived here, a year ago, I found the feeling on both sides was not calculated to lead to a satisfactory settlement of the case, the missionaries feeling that an attempt was being made to dispossess them of a valuable property in an arbitrary manner, and without sufficient remuneration, and the government feeling that the missionaries were preventing a much-needed improvement and endeavoring to speculate on its generosity. Negotiations had been carried on through irresponsible agents, who had only embarrassed matters by misrepresenting both parties.

The missionaries demanded, as a condition of their giving up the building in question, that another building of equal size and suitable for their purposes should be provided for them, or that sufficient money should be given them to erect a new building of equal size to the one they then occupied.

The government finally answered that it had no other building to give them, but that it would give them a certain piece of ground in the new part of the city, on the north side of the Esbekieh, and 3,000 pounds sterling to build with. The piece of ground designated contained a few meters more than their old property, and its location was satisfactory, but the missionaries claimed that £3,000 would not more than lay the foundations of a new building. (In the new part of the city the surface of the ground has been raised from 6 to 10 feet with *débris* from the old city, and foundations of large buildings are commenced from 15 to 20 feet below the surface.) They would not fix upon any amount, but waited for further overtures from the government.

The negotiations reached this stage many months before my arrival,

and I found His Highness the Khedive feeling provoked and angry on the subject, and inclined to resort to extreme measures to obtain possession of the property.

Of course I did not interfere in the matter, except to let it be known that so far as the missionaries were possessed of rights, they would receive the protection of their Government, and I endeavored to bring about a better understanding between them and the Khedive, in which I succeeded.

It is unnecessary to recount the different steps of the negotiations in this case, except to say that the missionaries finally fixed upon 10,000 pounds sterling and the piece of land already specified as the only terms on which they would give up their property; that the Khedive was indignant, and offered the land and £4,000, and finally £5,000; that the missionaries absolutely refused to accept less than £10,000 and the land; that at this stage of the negotiations I was asked by both parties to be their intermediary, and that finally the matter was compromised by the missionaries accepting the piece of ground and £7,000. The lot was given to them in fee-simple, without conditions, and is one of the most valuable and well-located pieces of property in the city.

The mission will proceed early next year to erect a handsome and substantial building on this property, which will be an honor to the mission as well as a monument to the liberality and toleration of His Highness the Khedive.

In justice to the American missionaries, and in view of the work they have done in Egypt, it must be said that they well deserve this stroke of fortune. They have been the pioneers of education in this land of ignorance and superstition, and three fourths of the employés in the telegraph, railroad, and post offices of the Egyptian government have been educated in their schools. They have labored on quietly and unostentatiously for many years, and the fruits of their labor have been long seen and recognized by every intelligent individual in Egypt.

I have the honor to inclose herewith a map of Cairo, showing the situation of the property which they have lately acquired, as well as that which they gave in exchange. This map also shows most of the new boulevards which are being cut through the old city, as well as the plan of the new city, or Ismaïlieh, which comprises all that portion of the map between the canal Ismaïlieh, the Nile, Rue Abdin, and Kasr-El-any, and which is now mostly covered with private residences and gardens.

I am, &c.,

R. BEARDSLEY.

No. 788.

Mr. Beardsley to Mr. Fish.

No. 145.]

AGENCY AND CONSULATE-GENERAL
OF THE UNITED STATES IN EGYPT,
Cairo, October 24, 1873. (Received November 26.)

SIR: I have the honor to inclose herewith an official statement of the annual budget of the Egyptian government for the Coptic year 1590, the beginning of which corresponds to the 11th of September, 1873, and a statement of the floating debt of Egypt.

As the estimate of receipts and expenses is somewhat long and complicated, and as the amounts are stated in "purses," I make a summary

statement of the budget, reducing the purses into dollars, at the rate of \$25 to the purse, as follows:

RECEIPTS.

Land-tax, tithes, tax on villages, &c	\$30,302,675
Tax on palm-trees	910,177
Tax on industry and commerce	1,432,539
Customs	2,972,301
Locks	45,426
Warehouse dues, tax on vessels, ferries, &c	81,986
Railroads	4,392,360
Income of government property at Cairo, Alexandria, Suez, Port Saïd, &c ..	1,958,531
Net revenue of salt monopoly	1,229,436
Net revenue of canal Mahmondieh	280,188
Net revenue of fishery concession of the Matariah	312,500
Net revenue of post-office	251,378
Tolls levied at the Barrage	180,745
Fishery concessions, &c	285,416
Tolls levied on boats passing new bridge at Cairo	192,419
Special tax on tobacco	2,500,000
Net revenue of the Soudan	500,000
Interest on Suez Canal shares	851,553
Miscellaneous revenues	880,222
	49,559,852

EXPENSES.

Tribute to Constantinople and Cavala	\$3,340,877
Civil list of His Highness the Khedive	1,500,000
Allowance for the prince héritier	150,000
Allowance for widows and harems	592,759
Appointments and allowance at Constantinople	270,479
Annual payment to Halim Pasha	292,500
The Khedive's household	139,794
Members and employés of the "conseil privé"	152,052
Department of the interior	38,697
Department of foreign affairs	42,582
Department of justice	18,952
Department of finances	140,227
Department of public works	102,690
Department of public instruction	259,103
Department of war and navy	3,973,190
Commission to Vienna	108,664
Assembly of delegates	13,892
Civil and commercial tribunal	27,132
Various commissions, Boulak museum, employés of canals, mint, &c	505,791
Provincial administration	1,008,519
Governments of Cairo, Alexandria, Damietta, Rosetta, Suez, Port Saïd, Ismailia, and El Arish	2,111,902
Custom-houses	174,702
Pensions, allowances, &c	803,076
Pilgrimage to Mecca	390,762
Public works undertaken	2,500,000
Payments and interest due on the public debt	20,738,022
Price of materials, grounds, and buildings for railways and telegraphs, to be built in the Soudan	2,580,291
Reserve fund	1,250,000
Refunding of interest on Suez Canal shares	851,553
	44,078,175
Excess of receipts over expenses	5,481,677
	49,559,852

This estimate shows a surplus for the Coptic year 1590, ending September 10, 1874, of over \$5,000,000.

If from the total amount of receipts we deduct the amounts derived from customs, from the Soudan, and from interest on Suez Canal shares,

there remain \$46,235,998 as the amount of internal taxes paid by the people of Egypt, being an average of over nine dollars per head. At the same rate per head the United States would pay about \$360,000,000 of internal taxes.

Within the last few days, however, since the inclosed estimate was made, many additional taxes have been imposed. Every beef is taxed \$5 when slaughtered; every sheep, calf, or other small animal, \$1; and all the local taxes usually collected at the city gates have been increased. The receipts, therefore, for the coming year will probably exceed in amount the estimate of the budget.

The virtual failure of the Egyptian loan of July last, together with the embarrassments caused by the financial crisis, which has been seriously felt in Egypt, appears to have awakened His Highness the Khedive to a realization of the critical condition of the Egyptian finances. There are visible signs of retrenchment in the public expenditures, and the rapid increase in price of every article of daily consumption is an eloquent proof of additional taxation and of the efficiency of the revenue officers.

The financial panic, although at one time alarming at Alexandria, has now virtually passed, and the substantial business houses of Egypt have been in no way affected.

Many small speculators who had been operating largely in Egyptian and other securities, supported by short loans from the money-market, were unable to meet their engagements and suspended, but no serious disasters occurred, and trade is beginning to resume its customary animated features.

I am, &c.,

R. BEARDSLEY.

No. 789.

Mr. Beardsley to Mr. Fish.

No. 150.]

AGENCY AND CONSULATE-GENERAL
OF THE UNITED STATES IN EGYPT,
Cairo, November 10, 1873. (Received December 9.)

SIR: I have the honor to inclose herewith an official copy, with a translation in English, of the imperial firman granted to His Highness the Khedive by His Majesty the Sultan, on the 9th of June, 1873.

This document has just been officially issued by the Egyptian government for distribution to the foreign powers. Its principal features, some of which render it of more interest and importance than any former firman issued to the viceroys of Egypt, are, 1st, it confirms the change in the order of succession, fixes the rules which shall govern the succession, and confirms all the privileges granted by former firmans; 2d, it provides for a regency in case of the minority of the new Khedive, and establishes the manner of electing the regent in case no regent has been appointed by a will of the late Khedive; 3d, it invests the Khedive with full and unlimited authority to make all internal laws and regulations necessary for the government of the country; 4th, it authorizes him to contract loans without the consent of the Sultan, and to enter into commercial and other treaties with the agents of foreign powers not prejudicial to the political treaties of the Sublime Porte; 5th, it empowers him to increase his army and navy to any extent, forbidding him only

to construct armored ships; 6th, it confirms the Khedive's right to bestow the military grades as high as colonel, and civil grades as high as bey; and, 7th, it fixes the annual tribute to be paid to the Porte at 150,000 purses, which is equivalent to about \$3,750,000.

These are the principal features of this important document, which confers upon the Khedive all the most important prerogatives of sovereignty. Although complete independence would add to his political importance, it is a question whether the Khedive would be materially benefited by its possession. He now enjoys all the material advantages of a sovereign, and escapes many of its responsibilities. It would be most fortunate for Egypt if His Highness would abandon his dreams of political independence and devote himself to the development of the country's commercial and industrial resources. Without the embarrassment of foreign complications, and with the responsibility of the public defense shared with the Porte, he might reduce his army to the smallest force consistent with internal security, and thus, while relieving the country of a heavy monetary burden, enjoy all the substantial advantages and escape the gravest responsibilities of sovereignty.

I am, &c.,

R. BEARDSLEY.

[Inclosure.—Translation.]

Imperial firman issued to the Khedive of Egypt.

JUNE 9, 1873.

Imperial firman of the 13th Rabi Akher 1290. * * * * *

After the usual form, the firman thus continues:

As thou art aware, we have taken into consideration thy demand, relative to the emanation of an imperial edict, uniting in detail, and with the modifications which have been deemed necessary, all the hatts and firmans since granted to the firman, according the right of succession to the late Mehemet Ali Pasha, being intended either to modify the form of succession, or accord fresh rights and privileges in harmony with the position of the khedivat, and the character of its people.

The present firman will in future replace all former imperial firmans; and its orders, hereafter expressed, will forever remain valid and executory.

The order of succession to the khedivat of Egypt, accorded by the firman given in our imperial hand, and dated the 2d Rabiul-Akher 1257, has been so modified that the khedivat of Egypt passes to the eldest son of the person who shall find himself clothed with the dignity of Khedive; from him to his eldest son, and so on; that is to say, the succession is established exclusively by order of primogeniture, as we are persuaded that this will be conformable to the interests and good administration of the khedivat, and the welfare of its people.

On the other hand, taking into consideration the extent and importance of Egypt; appreciating thy care and efforts to promote her prosperity and the improvement of her population; the fidelity and devotion of which thou hast given me proof, I have admitted thee to all my confidence and favored thee with my good graces; to give thee signal evidence of which I have established as right of succession to the khedivat that the Egyptian government, its dependencies, together with the Caïmakamats of Souakûm, Massaoua, and their dependencies, shall pass, as above stated, to thy eldest son, and after him, in accordance with the rules of primogeniture, to the eldest son of whosoever may be Khedive.

In case of the Khedive dying without male issue, the khedivat will pass to his younger brother; and should he not survive, to his eldest son. This definitively-established rule does not apply to male children by the female line.

In order to assure the maintenance of and the carrying out of this mode of succession, the regency that will govern Egypt in case of minority is thus established:

At the death of the Khedive, should his eldest son still be a minor, (that is to say, under the age of eighteen years,) as he will still be Khedive, though minor, by his right to the succession, his firman will be immediately granted.

Should the deceased Khedive have previously appointed a regency, in a will signed and witnessed by two high functionaries, with a view to the proper administration of

the khedivat during the minority of his son, the regent and members of the regency shall immediately undertake the management of affairs, previously informing my Sublime Porte and imperial government, who will instantly approve and confirm, by firman, the regent and members of the regency in their respective positions. In case of the khedivat becoming vacant without a regency having been named, the latter will be formed of persons at the head of the administration of the interior, or war, finance and foreign affairs, council of justice, commanders and inspectors of the Egyptian army, and inspectors of provinces. The regency being thus formed, will proceed in the following manner to the election of a regent: These different heads of administration, having deliberated, will then elect one from among them as regent. This election will be decided either by unanimity or the majority of voices.

Should two persons receive the same number of votes, he who occupies the highest position, commencing with the administration of the interior, will be selected as regent, and the other members form the council of regency. They will undertake with the regent the administration of affairs, and in giving notice through Mazbatta to my Sublime Porte will be confirmed in their different functions by an imperial firman. Whether the regency should have been appointed during the life-time of the Khedive or after his death, by election, in neither case can the regent or members of the regency be dismissed until the expiration of the term of their mandate. Should one of the members be removed by death, the survivors will choose and name another Egyptian functionary to replace him, or in case of the regent's death the members of council will select his substitute from among themselves, and have another Egyptian functionary in the place vacated by the new regent.

When the young Khedive shall have attained his eighteenth year he will be considered of age, and govern alone as his predecessor.

Such is my will and my imperial decision.

I attach the greatest importance to the prosperity of Egypt, to the well-being, tranquillity, and security of her people, and as these depend equally on the administration, civil and financial, of the country, on the development of its interests, material and otherwise, which are the resources of the Egyptian government, we shall briefly and simply mention all the privileges which my imperial government has granted during past years at the present time to the Egyptian government, that they may in future be continued in favor of all succeeding Khedives.

The administration of the country, both civil and financial, together with its interests, material and otherwise, being in all their relations the creations of the Egyptian government, and as throughout the entire country the administration, good order, and the development of the resources of the land and the prosperity of the population depend entirely upon the harmony existing between, and the proper management of, the different authorities, on the one hand, and the exigencies of the times, local conditions, and the character and customs of the people on the other, the Khedive of Egypt is authorized to make all and whatever laws and regulations the necessity of the country may demand.

He is also authorized to contract and to renew with the agents of foreign powers, without prejudice to the political treaties of my Sublime Porte, all necessary conventions relating to commerce and customs, or concerning the internal affairs of the country, and having for object the development of commerce and industry and the regulation of foreign police in all their relations with the government and people. The Khedive has the complete and entire disposition of the financial affairs of the country; he has full liberty to contract, without authorization, foreign loans in the name of the Egyptian government whenever necessary. The first, most essential, and most important duty of the Khedive being the protection and defense of the country, he is fully authorized to procure, establish, and organize such means of defense and protection as the necessities of time and place may require, and to augment or diminish, as may be necessary, and without restriction, the number of my imperial troops in Egypt.

The Khedive will retain, as heretofore, the privilege of conferring, in the military service, grades up to the rank of colonel, and in civil service up to that of *Rutbeî-Sanie*.

The money coined in Egypt will be stamped in my imperial name; the colors of the troops, both naval and military, shall not differ from those of my other troops, and it is understood that, as regards ships of war, iron-clads alone cannot be constructed without my permission.

By my imperial will, I send thee, through my imperial divan, this illustrious firman, invested with my imperial hatt, and confirming the above-named dispositions.

This firman includes, elucidates, modifies, and renders more complete all the firmans and imperial hatts which have, up to the present time, been granted to the Egyptian government, either to establish the order of succession, the nature of the regency in case of necessity, or to regulate the civil, military, and financial administrations, as well as the material and other interests of the country. It is my imperial

will that the rules and principles contained in this firman shall be forever maintained and observed instead of those named in my former firmans.

As for thee, in conformity to thy character, full of zeal and integrity, and to the knowledge thou hast acquired of the condition of Egypt, thou shalt faithfully execute the conditions fixed by this firman, and consecrate all thy efforts to the good government of the country, to assure by every possible means the repose and security of the people, and thus repay all my imperial favors and bounties in thy behalf. Thou shalt also pay the greatest attention to remit each year, without delay and in its entirety, to my imperial treasury, the one hundred and fifty thousand purses of tribute established.

No. 790.

Mr. Beardsley to Mr. Fish.

No. 155.]

AGENCY AND CONSULATE-GENERAL
OF THE UNITED STATES IN EGYPT,

Cairo, November 28, 1873. (Received January 3, 1874.)

SIR: I have the honor to acknowledge the receipt of your instructions numbered 87 and 88.

Referring to your instruction, No. 87, of the 30th ultimo, in relation to the liberation of slaves in Egypt through the interposition of foreign consuls and consular agents, I have the honor to state that the consular representatives of the United States appear to have exercised their authority in favor of the liberation of slaves on various isolated occasions in the past, but, as a rule, have been careful not to make themselves conspicuous in this respect, owing to the fact that such action on their part is liable to subject them to the ill-will of the local authorities. Moreover, they have never, as far as I can learn, had any instructions on this subject, and they have been well content to see the rôle of emancipators played by the English representatives, who are supposed to act in accordance with instructions from the English government, certainly at least with its support and approval.

I believe that our agents never refuse to assist slaves to obtain their freedom when applied to for that purpose, but they are rarely applied to, for the reason that it is the general belief among the slaves that the English consular agents are especially empowered to effect their release from bondage.

No progress seems to have been made of late toward consummating the treaty referred to in my dispatches numbered 128 and 137, and it is to be feared that the incident of the wholesale liberation of slaves at Mansourah will only tend to render the status of slavery in Egypt less satisfactory than before.

I am, &c.,

R. BEARDSLEY.

No. 791.

Mr. Beardsley to Mr. Fish.

No. 158.]

AGENCY AND CONSULATE-GENERAL
OF THE UNITED STATES IN EGYPT,

Cairo, December 13, 1873. (Received January 9, 1874.)

SIR: During the past month active negotiations have been carried on between his excellency Nubar Pasha and the agent and consul-general

of France in Egypt, in relation to the project of judicial reform which the Egyptian government has so much at heart.

I have been permitted to examine the correspondence on the subject, from which it appears that the French government has acceded to the project in its entirety, with the exception of the paragraph marked G, in article 8 of chapter I, entitled "jurisdiction en matière pénale en ce qui concerne les inculpés étrangers."

The paragraph G provides that the new courts shall have jurisdiction in all cases involving accusations against bankrupts for acts committed after the declaration of bankruptcy and against the judgments and authority of the courts, with the intent of defrauding their legitimate creditors, such for example as doing away with or secreting their property or destroying their books, or pretending to assume debts which they do not owe, or for any act prejudicial to their creditors.

France insists that such bankrupts, citizens of France, shall continue to be dealt with by the French consular courts in Egypt and liable to all the penalties of the French law, while Egypt contends that in so far as the criminality of their acts affects the dignity and authority of the courts they ought to be subject to the jurisdiction of the courts, that is to say, that the new courts should have power to punish offenses against their own authority.

France admits the justness of this view of the matter, but asks that the paragraph may be so changed as to provide that as between French subjects the new courts will be empowered to punish such offenses as are now alluded to only as they affect the dignity and authority of the sentences pronounced by the new tribunals.

The paragraph has accordingly been changed in accordance with these views, and it is believed that the project will now be accepted by the French government.

The favorable action of our own Government is sincerely hoped for in this matter at an early day. In view of the fact that preparations are already being made by His Highness's government for the organization of the new courts, and the importance of the nature of the action of the Senate being known here at the earliest possible moment, I have the honor to request that the final decision of our Government may be made known to me by telegraph.

I am, &c.,

R. BEARDSLEY.

No. 792.

Mr. Beardsley to Mr. Fish.

[Telegram.]

CAIRO, *January 24, 1874.*

Egyptian government very anxious for prompt and favorable action on judicial reform. England, Austria, Germany, Italy, and Russia have accepted. New courts are ready to be organized, and American judges desired.

Consular jurisdiction over American citizens not affected by the project. Please communicate action of Congress by telegraph.

BEARDSLEY.

No. 793.

Mr. Fish to Mr. Beardsley.

[Telegram.]

WASHINGTON, *January 24, 1874.*

Bill to authorize acceptance of the judicial reform is before Congress. You will be informed when that body acts.

FISH.

No. 794.

Mr. Beardsley to Mr. Fish.

No. 166.]

AGENCY AND CONSULATE-GENERAL
OF THE UNITED STATES IN EGYPT,
Cairo, January 27, 1874. (Received February 25.)

SIR: On the 24th instant I had the honor to send you a telegram, a copy of which is herewith inclosed, in relation to the project of judicial reform about to be put in operation in Egypt, and on the 26th I received your reply, a copy of which I also inclose herewith. Russia has at last accepted the project, making the number of great powers now pledged to it five, viz: England, Germany, Austria, Italy, and Russia.

Now that these five great powers have accepted the reform, his excellency Nubar Pacha has determined to organize the new courts at once, but His Highness the Khedive is very anxious for the approval and support of the United States in this important measure, which he believes to be of such vital interest to the country, and he awaits the action of Congress with hopeful expectation and interest.

It was this expressed anxiety on the part of His Highness for information as to the present status of the question in Congress which prompted me to telegraph to you.

The United States will be entitled to one or more judges in these courts, and it is very desirable that proper persons should be chosen, as our interests in Egypt and the honor of our country will, in a measure, be dependent upon the selection made. The sooner we accept the project the better will be our opportunity of securing a fair representation in the new courts and the more readily will we be able to exercise an influence in the selection of judges with the object of securing only able and honest men for these important posts.

By next mail I hope to state definitely the number of American judges we may hope for, their emoluments, and other particulars.

In regard to the probable action of Congress in this matter, I have the honor to refer to my dispatch, No. 163, of the 6th instant, and to renew the hope therein expressed that nothing will be done to impair the present judicial power of United States consuls in Egypt or Turkey. In stating in my telegram of the 24th instant that "consular jurisdiction over American citizens not affected by the project," I alluded to all that concerns American citizens as between themselves. It is, I presume, only in regard to the rights of such citizens as between themselves that Congress has power to legislate. When treaties with foreign powers define the relations which shall exist between citizens of the United States and citizens of such foreign powers, Congress may invest the ministers and consuls of the United States residing in those countries with the necessary judicial power over citizens of the United States and others, as provided for in the said treaties. Such is the nature of the

act of June 22, 1860, which invests the minister of the United States and the consuls of the United States residing in the Ottoman dominions with certain judicial powers over American citizens which are to be executed in conformity with the provisions of the treaty with the Sublime Porte of May 7, 1830. If the treaty is modified in its application to Egypt, the judicial powers of consuls in Egypt will be accordingly modified, it would seem, without any action of Congress.

In Egypt, four different kinds of cases, involving judicial powers, are liable to engage the attention of United States consular officers:

1st. Cases in which both plaintiff and defendant are citizens of the United States.

2d. Cases in which the defendant is a citizen of the United States and the plaintiff a citizen of some other nation, but not Egyptian.

3d. Cases in which the plaintiff is a citizen of the United States and the defendant a citizen of some other nation, but not Egyptian.

4th. Cases in which one of the parties is a citizen of the United States and the other party a subject of Egypt.

In all cases arising under the first head, the jurisdiction of the United States consular courts is now complete, and will remain so under the new system.

All cases arising under the second head are now tried in the United States consular courts or the court of the defendant, and are judged by the United States consuls. Under the new system, all cases of that class will be tried in the new courts, and the present judicial powers of United States consuls will, in this respect, be prejudiced.

Cases arising under the third head are now taken before the consular court of the defendant, and the United States consular courts have no jurisdiction whatever. Under the new system, all similar cases will be tried by the mixed tribunals instead of the consular courts, and the judicial authority of United States consuls is unaffected.

According to the treaty stipulations between the United States and Turkey, cases arising under the fourth head should be tried by the United States minister or consul, or, according to the interpretation of the treaty by the Sublime Porte, before the local Egyptian courts, with the presence of the American dragoman. In Egypt, all the foreign consuls insist on trying such cases before their consular courts when the plaintiff is an Egyptian. This practice, which is contrary to the stipulations of the treaties between the European powers and the Sublime Porte, can only be defended on the ground that justice cannot be obtained for a foreigner in the Egyptian courts, which is hardly the case to-day, whatever it may have been in past times.

All such cases, that is, all cases between citizens of the United States and citizens of Egypt, will, under the new system, be taken before the mixed tribunals, and the judicial powers of the United States consuls, as exercised in Egypt, will, in this respect, be impaired.

It will thus be seen that the judicial powers of consuls of the United States in Egypt will be impaired or affected in only two kinds of cases, namely, cases arising under the second and fourth heads as above enumerated. All cases, however, arising between citizens of the United States will continue to be tried in the United States consular courts, and practically the judicial powers of consuls as created by the act of June 22, 1860, will remain unimpaired.

Any present action of Congress should, in my opinion, be limited to the acceptance of the project of judicial reform for five years, as proposed by the Constantinople commission.

I am, &c.,

R. BEARDSLEY.

No. 795.

Mr. Beardsley to Mr. Fish.

No. 178.]

AGENCY AND CONSULATE-GENERAL
OF THE UNITED STATES IN EGYPT,
Cairo, March 9, 1874. (Received April 10.)

SIR: I have the honor to inform you that Colonel Gordon, of the Royal English Engineers, who has been appointed to carry on the work commenced by Sir Samuel Baker in the lake regions of Central Africa, left Cairo for his field of duty about ten days ago.

Colonel Gordon was conspicuous in China during the rebellion against the imperial authority, and was instrumental in restoring law and order to the empire and completely suppressing the rebellion. For several years past he has been a member of the commission of the Danube. His present appointment was offered to him last summer, when His Highness the Khedive was at Constantinople, and was accepted by him late in the fall.

The only foreign officer who accompanied him from here was Lieut. Col. Charles Long, an American officer in the Egyptian service, who goes with the expedition as Gordon's chief of staff.

Colonel Gordon has requested that Major Campbell, also an American officer in the Egyptian service, may be attached to his expedition, and the major will leave here for Khartoum in a few days to join Gordon at that place. A force of about two hundred and fifty men and native officers went with the expedition from this place, and as many more will be added at Khartoum as Colonel Gordon may think necessary.

Colonel Gordon is a man of about forty years of age, of medium stature, of quiet, unassuming manners, and apparently of iron constitution.

It is believed that he will quietly carry out the views of annexation and organization of His Highness the Khedive, without manifesting undue zeal in the suppression of the slave-trade, and that his policy will be one of conciliation, so far as is consistent with the objects of his mission.

I hope to be able to report from time to time the progress of the expedition in its important work.

I am, &c.,

R. BEARDSLEY.

No. 796.

Mr. Beardsley to Mr. Fish.

No. 193]

AGENCY AND CONSULATE-GENERAL
OF THE UNITED STATES IN EGYPT,
Cairo, April 29, 1874. (Received May 26.)

SIR: I have the honor to inform you that Mr. Lesseps has accepted for the Suez Canal Company the decision of the Sublime Porte, and that the new tariff of tonnage-dues, as recommended by the international commission, goes into effect to-day, the 29th.

In my dispatch No. 183, of the 4th instant, I had the honor to explain the nature of the controversy between Mr. Lesseps and the Porte as it existed at that day. Mr. Lesseps after that date determined to persist in the arbitrary manner of collecting the tonnage-dues which was adopted in July 1872 and has been followed until this time, and announced his

intention of preventing all ship passing through the canal which refused to pay the customary toll. He declared that sooner than submit to any reduction in the rate of tonnage-dues he would withdraw his pilots, extinguish the lights, and close the canal to navigation.

The vizieral letter from His Majesty the Sultan to His Highness the Khedive, ordering the latter to enforce the application of the rules laid down by the international commission, a copy of which I had the honor to inclose with my dispatch No. 183, granted to the canal company a delay of three months in which to prepare for the application of the new rules. That delay expires to-day. Until the 25th instant Mr. Lesseps maintained a bold and defiant attitude, and the Khedive prepared to enforce the decision of the Porte, and determined, if necessary, to take possession of the canal and manage it himself.

On the 23d instant a force of several hundred men and officers, under the command of General Stone, was stationed at various points along and in the neighborhood of the canal, to prevent any overt action on the part of the canal company, and to be ready to take possession of the canal in case of necessity. The Egyptian frigate Mehemet Ali arrived at Port Said from Alexandria the same day, the 23d, and, with the stationary frigate at Port Said, formed the naval contingent of General Stone's force. The general had with him pilots who were acquainted with the canal, and was supplied with everything necessary for facilitating the passage of ships and the organization of a new transit-service.

Mr. Lesseps was at Jaffa on the 23d instant, where he had been for several days. On the 24th he returned to Port Said and Ismaila, and on the 25th he arrived at Cairo.

On the 23d instant I received a communication from the minister of foreign affairs, (inclosure No. 1,) informing me of the mission of General Stone, and requesting me to order any citizens of the United States who might be in the service of the canal to abstain from appealing to their nationality or displaying the flag of their country in case of a conflict of authority between the canal company and the territorial authorities. On the 24th I addressed official communications to Mr. Page at Port Said, and to Mr. De Haro, United States consular-agent at Ismaila, (inclosures Nos. 2 and 3,) instructing them in case of any conflict to maintain a strict neutrality.

On the 26th instant I received a second communication from the minister of foreign affairs, (inclosure No. 4,) informing me that Mr. Lesseps had decided to conform to the decision of the Sublime Porte in regard to the tonnage-dues, and inclosing Mr. Lesseps's official letter to the minister of the interior, (inclosure No. 5,) in which he announced that from the 29th instant, to-day, the new rules, as recommended by the international commission, would, under protest, go into effect.

I have the honor to inclose also a leading article on the Suez Canal from the London Mail of the 24th instant, (inclosure No. 6,) and a letter on the same subject from the Constantinople correspondent of the same journal, (inclosure No. 7,) both of which are interesting contributions to the subject treated of in this dispatch.

I am, &c.,

R. BEARDSLEY.

[Inclosure 1 in No. 193.—Translation.]

Nubar Pacha to Mr. Beardsley.

CAIRO, April 23, 1874.

MR. AGENT AND CONSUL-GENERAL: You no doubt are aware that Mr. Lesseps has manifested his intention of opposing the execution of the decision of the imperial

government in regard to the dues to be collected by the Suez Canal Company from ships using the canal.

The imperial government, in presence of the attitude taken by the company, has requested His Highness to employ every possible means, even force, if necessary, to insure the execution of its decision and the passage of ships.

The company maintains in its service a *personnel* composed of employés of different nationalities. Those employés might be induced to take part in the threatened resistance in obedience to orders issued to them. In so far as they are in the employ of an Ottoman company, and acting for it, they cannot be considered by the territorial authorities otherwise than as local subjects, incapable of taking advantage of their particular nationality.

I beg of you, monsieur agent and consul-general, to be so kind as to inform all those under your jurisdiction who may be in the service of the Suez Canal that it is in this sense that General Stone has been charged by His Highness to see that the decision of the imperial government is executed, and has received orders to oppose by force any attempt at resistance.

The government of the Khedive will be pleased, monsieur agent and consul-general, if you will request them to abstain from appealing to their nationality for the purpose of opposing, as agents of the company, the action of the territorial authorities, especially to avoid displaying and thus compromising in a regrettable conflict a foreign flag.

The government hopes, monsieur agent and consul-general, that you will notify them to this effect, because the question at issue in the present case concerns the execution of a decision of the imperial government, given by advice of other powers, and to be executed by the territorial authority, against a company under the Ottoman jurisdiction. It is therefore a question of simple internal administration, in which His Highness would see, with the greatest regret, the interference of persons without authority or mission, and especially the abusive use of the name and flag of their government.

Accept, &c.,

NUBAR.

[Inclosure 2 in No. 193.]

Mr. Beardsley to Mr. Page.

AGENCY AND CONSULATE-GENERAL OF THE UNITED STATES IN EGYPT,
Cairo, April 24, 1874.

SIR: I have the honor to inclose herewith for your information and guidance a copy of a dispatch which I have just received from the minister of foreign affairs in relation to the Suez Canal.

I believe there are no citizens of the United States in the service of the canal company, and it would seem that there could be no possibility of such a conflict of authority occurring, so far as we are concerned, as is suggested by Nubar Pacha's dispatch.

Should a conflict of authority unfortunately occur, however, between the Egyptian authorities and canal company, of course you will observe that the neutrality of the United States flag is not compromised.

I am, &c.,

R. BEARDSLEY.

[Inclosure 3 in No. 193.]

*Mr. Beardsley to Mr. De Haro.**

AGENCY AND CONSULATE-GENERAL
OF THE UNITED STATES IN EGYPT,
Cairo, April 24, 1874.

SIR: I hasten to inclose for your guidance a copy of a dispatch which I have just received from the minister of foreign affairs in relation to the Suez Canal.

Should a conflict of authority between the Egyptian government and the canal company unfortunately occur, you will be careful to observe the strictest neutrality, so far as your position of a United States consular agent is concerned, and in no manner to make use of the United States flag or in any way compromise it or yourself.

I am, &c.,

R. BEARDSLEY.

* Mr. De Haro is in the employ of the Suez Canal Company.—R. B.

[Inclosure 4 in No. 193.—Translation.]

Nubar Pasha to Mr. Beardsley.

CAIRO, April 26, 1874.

MR. AGENT AND CONSUL-GENERAL: I have the honor to inclose herewith copy of the letter that Monsieur de Lesseps has addressed to his highness the minister of the interior, by which he informs the Egyptian government that from the 29th of April he will conform to the decision of the Sublime Porte concerning the application of the tariff to ships passing through the canal of Suez.

Accept, &c.,

NUBAR.

[Inclosure 5 in No. 193.—Translation.]

Mr. Lesseps to the Minister of the Interior.

CAIRO, April 26, 1874.

MONSEIGNEUR: In answer to the dispatch which I had the honor to receive yesterday from your highness, I hasten to transmit to you the copy of a telegram sent the same day to the administration of the Suez Canal at Paris:

“CAIRO, April 25, 1874.

“In consideration of the orders given by the Sublime Porte to take possession of the canal, and under protest, reserving all the rights of the shareholders, our transit-service will apply from the 29th the special tax of navigation, with the surtax imposed by the Porte.

“LESSEPS.”

Your highness will find inclosed my protest against the decision of the Ottoman Porte, in order that it may be communicated to Constantinople.

Accept, &c.,

The president-director of the joint company of the Suez Canal:

FERD. DE LESSEPS.

[Inclosure 6 in No. 193.]

[From the London Mail of April 24, 1874.]

M. de Lesseps has resolved to bring to a crisis the protracted differences between the Suez Canal Company and the mercantile marines of Europe, represented by their respective governments and acting through the authority of the Porte. The representative of the company in England has given notice, in the name of its president, to the board of trade that “vessels will, in future, have to take the old route round the cape, or discharge their ships’ cargo at Alexandria, for transit by rail to Suez, unless they pay the legal and regularly-fixed passage-dues of the Suez Canal Company.” To the admiralty he writes that, “in consequence of a general measure, Her Majesty’s ships will henceforth have to pay the passage-dues before entering the Suez Canal at Port Said.” “I may add,” he says, “that the company’s agents in Egypt have received orders to enforce the strict observance of this measure.” On the 29th instant the three months’ grace, during which the company was permitted by the Porte to maintain its present charges, will have expired, and the rules framed by the international commission will come into force; but M. de Lesseps has announced that nothing will induce him to accept the new tariff. He has threatened to dismiss the pilots, put out the lights, and declare the canal closed. This menace was made some time since, and it was thought that as the day approached, and the responsibilities of the position became clearer, more moderate counsels would prevail. It seems that this expectation is to be disappointed. M. de Lesseps is not afraid to face Sultan and Khedive, ambassadors and consuls, the Peninsular and Oriental and the Messageries Maritimes, the merchants of India and China and the antipodes. It is M. de Lesseps *contra mundum*, but the ruler of the Suez company will not flinch. His officials at the canal will even “enforce” his regulations on the war-ships of the first naval power of the world.

Our first thought, on receiving such a communication, must be to prevent the execution of the threat. Many persons will receive it with incredulity, as a bravado which there is no intention to act upon, or as a device for attracting the attention of the governments, with an ultimate financial purpose. But it is quite possible that whatever the designs of M. de Lesseps, they may be advanced by actually doing what he has threatened. It would bring the Suez Canal in its mercantile and political

aspects prominently before the world; it would show the maritime nations the transcendent importance of the work, and how much they have to lose if they suffer it to fall into inefficiency and decay; it would make the rights and grievances of the shareholders the theme of universal discussion; it would produce a deep feeling in France, where the interest or sympathies of a great number of people are already in favor of the company; in short, it is a bold and cleverly-sensational policy. But if it be carried into execution, the most lamentable consequences may ensue to the great traffic which has now come into existence. We will not suppose that M. de Lesseps would have his way permanently and force the mariners of Europe to "take in future the old route round the cape," but even a "strike" of a few weeks on the part of that distinguished personage would cause public inconvenience and private loss not easily computed. If he were really to break up his staff it would be difficult to replace it immediately, even though the Egyptian government should undertake the working of the canal. The withdrawal of the pilots accustomed to the navigation would make the passage difficult and perhaps dangerous for some time to come.

Immediate action is therefore necessary to prevent any interruption of the traffic. So far as the mandates of authority can give us assurance, we have it. M. de Lesseps applied to the Porte to rescind its adoption of the rules made by the commission, and when he failed in this he demanded that three months longer should be allowed to the old tolls, the time to be spent in devising some scheme of remunerating the company for the change which the commission had introduced. It is said that at various times he has assumed a lofty tone in his dealings with the Turkish government, and threatened even more decisive measures than his agent in England now announces to Her Majesty's navy and the British marine. When these his latest declarations were officially brought before the Porte, prompt action was taken. Orders were at once dispatched to the Khedive that should the president of the company abandon the working of the canal the Egyptian government was to take it in hand and do all that was necessary. Whatever may be the views of Ismail Pasha, there is no reason to doubt that the order would be obeyed. But eastern governments are apt to be dilatory, and, moreover, the company's influence is strong at Cairo. It would be only prudent to urge on the Porte the propriety of a summary interference to protect the advantages which the maritime nations enjoy. By the terms of the original concession from the Egyptian government, and of the firman confirming it, which the present Sultan granted, the service of the canal is to be efficiently performed in accordance with specified regulations. A defiant closing of the canal, to the detriment of the sovereign power and of the nations at peace with it, might be justly considered to incur the forfeiture of the concessions made to the company. When, therefore, such an act is threatened in official communications such as have been made to our board of trade and admiralty, the Porte is perfectly justified in anticipating it, and exercising its rights at once.

It may be expected that we should speak of the moral merits of the case. Admitting that the president of the Suez Canal Company would commit a violent and unjustifiable act in closing the canal, has he any excuse in the conduct of the Porte, or in the regulations which the European powers have recommended and, as it were, enforced? To this we must reply that legally he has not. By the terms of the firman which authorized the construction, possession, and working of the canal, certain conditions were imposed on the company in return for its extraordinary privileges, and the Sultan's government retained the right to define and interpret those conditions. It has so interpreted in the present case, after taking the advice of the most competent body of men who could be brought together—the official representatives of all the maritime states of Europe. Full accounts of the controversy have from time to time appeared in our columns. As is well known, the company received from the Porte the right to demand the sum of ten francs per ton, and no more, from vessels passing through the canal. It was inevitable that the question should one day arise, what is a ton? There is gross tonnage and net tonnage; there is tonnage by weight and tonnage by measure, and tonnage in which these two enter in various arbitrary relations, differing among different nations. In fact, there have been almost as many systems of reckoning tonnage as there are states with ships at sea. The Suez Canal Company charged on gross tonnage, and reckoned it after a system of its own, which the ship-owners, and especially the owners of steamers, thought unfair. After long controversy and some litigation, the Sultan's government, with which the decision rested, resolved to invite international advice on the subject. Every maritime European state responded, and sent competent men to sit on the commission. Great Britain, France, Germany, Austria, Russia, Italy, Spain, the Netherlands, Belgium, Sweden and Norway, and Greece were represented. Of the two French members, one was M. Rumeau, who really represented M. de Lesseps and the company. The commissioners unanimously agreed to a report, in which they declared that net tonnage should be reckoned in paying the canal dues. They reported that the process of measuring the capacity of ships established in the United Kingdom by the merchant-shipping act of 1854, under the name of Moorsom's system, realized best the conditions required to determine gross tonnage, and they

recommended rules for ascertaining the net tonnage from the gross. In consideration of the small return the company had yet received from its investment, they recommended a surtax over and above the 10 francs per net ton. This surtax, which varies with various classes of vessels, is to be diminished by half a franc as soon as the tonnage of vessels passing the canal shall reach 2,100,000 tons in a year, and every additional increase of 100,000 tons per annum is to be followed by a deduction of half a franc until such tonnage shall reach 2,600,000 tons, when the surtax is to cease altogether, and the original tax of 10 francs per ton remain permanently as the toll. This does not on the face of it appear hard-dealing with the company. The Porte, though it does in the exercise of its acknowledged authority define the ton on which the charge is to be made, deals justly and, as we conceive, liberally with the company. Even M. Rumeau makes no protest, but appends his name with the rest. The real grievance of the company lies, not in this decision, but in the unfortunate fact that, financially, the canal has been far from successful. The shareholders have conferred great benefits on the world to their own loss, sometimes almost to their ruin. This circumstance necessarily affects the acts of the company's managers, and its influence may be discerned in the present instance.

[Inclosure 7 in No. 193.]

[From the London Mail of April 24, 1874.]

THE SUEZ CANAL.

[From our own correspondent.]

CONSTANTINOPLE, April 17.

M. de Lesseps has at last, after a few interlocutory negotiations, made his final declaration, which is, that rather than submit to the decision of the Porte, founded on the conclusions of the international commission, he will suppress the navigation of the canal by withdrawing his pilots and extinguishing his lights and signals; in other words, he will close the canal. This is a bold declaration, and resembles the throwing down of his last card, if, indeed, M. de Lesseps is in earnest and not playing the game of "brag." This threat, if carried out, simply entails the forfeiture of the concession; and although M. de Lesseps affects to believe that "*la compagnie, c'est moi*," yet it is incredible that he should venture on such a step without the authority of the shareholders. It is not, therefore, improbable that this declaration is a mere menace, which he more than once before has repeated. On a certain occasion, at an interview with a grand vizier, M. de Lesseps astonished the Porte and the foreign powers by saying that if they interfered with his pretensions he would put chains across the two entrances of the canal and sink every ship that dared to navigate his waters.

Before making the above portentous threat M. de Lesseps might have reflected that it could do no good. The verdict of the international commission as to the principle on which the tolls should be levied was unanimous. Even the French delegates, one of whom was the nominee of M. de Lesseps, acceded to the general view of the commission. The Porte thereupon undertook a solemn engagement that the dues should be levied on the principle laid down, and cannot therefore surrender its decisions, which France and the other powers assisted in forming.

Under these circumstances the Porte has only one course to pursue, and the Khedive it is understood will be instructed, should M. de Lesseps attempt to carry out his threat, to take possession of the canal and secure its free navigation. In the interest of the company, however, it is to be hoped that M. de Lesseps will not drive the Porte to this extreme course of proceeding, which would be in fact the death of the company. As to the fact of the canal continuing its ultimate operations there can be no doubt. If the company should be destroyed by M. de Lesseps, the canal would nevertheless be maintained; in other words, the suicide of the company would never produce the death of the canal.

But let me consider for one moment how far M. de Lesseps has any right to complain of the treatment the company has received at the hands of the Porte and the international commission. The company is entitled by its charter to levy a tax of 10 francs per ton on all shipping passing through the canal. This tax was at first levied on the tonnage of ships as stated on their official papers. This system, however, did not produce an adequate dividend to the shareholders. It was competent then for M. de Lesseps to apply, as in fact he did, for permission to increase the toll. But subsequently he preferred to take another course, and invented a new tonnage upon which he insisted on levying his toll. This system was disputed; he consequently appealed to the Porte whether he was right or not. He demanded from the Porte their interpretation of the terms of his concession, and engaged to abide by their decision. The Porte accepted this office. They stated that the toll leviable was that on the available space for cargo, in other words, "net tonnage;" and desiring to ascertain practically,

once for all, what this net tonnage is, summoned an international commission, which was formed of the most eminent practical men of the day. The international commission duly performed its functions and defined "net tonnage." Though justified in arriving at the conclusion that the company was illegally levying the tolls, yet they considered that their decision would act detrimentally on the company, and therefore suggested that the company might be authorized to levy a temporary surtax which would admit of a fair dividend being paid to the shareholders. The Porte granted the surtax, and M. de Lesseps was further allowed to continue levying his own high rate of tariff for three months longer. How then can the company complain of hardship? It is said, why not grant M. de Lesseps's last application for an additional three months of illegal taxation? But his demand was something beyond this. The language he held to the Porte was virtually as follows: "I will not accept your surtax in favor of the company; and if I adopt the principle of taxation laid down by the international commission, it shall only be on the condition that you (the Porte) shall pay me the difference between the estimated receipts upon my system of tonnage and the international system, and that you shall give me three months more before I submit to your terms, such time being necessary to afford notice of a change of tariff under my concession." Surely such a notice can never be required in the case of making a change from an illegal to a legal system of tolls, and the Porte cannot be blamed for refusing an application unjust in itself and accompanied with a threat for damages.

Happily, there is still a chance that the French government or other friendly advisers may interpose to save the company from the evil consequences of the conduct of its president.

To the Editor :

SIR: In requesting your permission to publish the inclosed important letters for general information, I wish to state that I entirely share the views of M. de Lesseps as to the absolute necessity for the step he has thought proper to take in the matter of the Suez Canal dues.

It is well known that the question of the legality of raising the dues was disposed of in Paris by the cour d'appel on the 11th of March, 1873, in favor of the Suez Canal company. This judgment was appealed against by the Messageries Maritimes before the cour de cassation, and again recorded in favor of the Suez Canal company.

One would suppose that this would have set the matter at rest; not so, however. Her Majesty's government and other powers, urged on by a section of ship-owners, and possibly their own interests, convened an international and scientific commission appointed to discover a new mode of measurement which would give the real utilizable capacity of ships; but instead of adhering to their originally intended mission, viz, to ascertain a mode for determining the real capacity of ships, endeavored to unify the inexact official tonnages; and, proceeding a step further while they were about it, actually went the length of expressing their wishes with reference to the matter of the Suez Canal dues itself, with the object of getting a reduction of the present low rate of 8 shillings per ton of capacity, or, indeed, scarcely so much.

It was hoped that the admitted legal and vested rights of the shareholders would have been respected, but neither the administration of the canal company nor its president was ever so much as called or heard at the commission's deliberations, which possesses no right whatever to interfere in the matter of a contract with the signing of which they had nothing to do; no more than they would have in any shipping or railway company in this country, where such a step would not for a moment have been tolerated. No wonder, then, that M. de Lesseps and those with him consider themselves in duty bound to prevent that which, if enforced under the circumstances, may be viewed as an act of confiscation, and any tacit submission to arbitrary commands would amount to a betrayal of interests confided to the care of those who direct the affairs of the Suez Canal company.

I have the honor to be, sir, your most obedient servant,

DANIEL A. LANGE.

21 REGENT STREET, *April 22.*

"21 REGENT STREET, LONDON, *April 22, 1874.*

"SIR: I am requested by the president of the Suez Maritime Canal Universal Company to state for the information of merchants and ship-owners of this country that vessels will in future have to take the old route round the cape or discharge their ships' cargoes at Alexandria for transit by rail to Suez, unless they pay the legal and regularly-fixed passage dues of the Suez Canal company.

"I have the honor to be, sir, your most obedient servant,

"DANIEL A. LANGE,

"*Representative of the Suez Canal Company.*

"To the right honorable the PRESIDENT OF THE BOARD OF TRADE, *London.*"

"21 REGENT STREET, LONDON, *April 22, 1874.*

"GENTLEMEN: I am requested by the president of the Suez Maritime Canal Universal Company to inform you that, in consequence of the application of a general measure, Her Majesty's ships will henceforth have to pay the passage dues before entering the Suez Canal at Port Said or Suez. I may add that the company's agents in Egypt have received orders to enforce the strict observance of this measure.

"I have the honor to be, gentlemen, your most obedient servant,

"DANIEL A. LANGE,

"*Representative of the Suez Canal Company.*

"To the right honorable the LORDS COMMISSIONERS OF THE ADMIRALTY."

No. 797.

Mr. Beardsley to Mr. Fish.

No. 201.]

AGENCY AND CONSULATE-GENERAL
OF THE UNITED STATES IN EGYPT,
Cairo, May 30, 1874. (Received June 30.)

SIR: I have the honor to inform you that, by circular from the ministry of foreign affairs, dated the 27th instant, the entire question of judicial reform has been placed in charge of Cherif Pasha, minister of justice, to whom all communications in the future will be addressed, instead of to the minister of foreign affairs as hitherto.

I am, &c.,

R. BEARDSLEY.

No. 798.

Mr. Beardsley to Mr. Fish.

No. 202.]

AGENCY AND CONSULATE-GENERAL
OF THE UNITED STATES IN EGYPT,
Cairo, June 1, 1874. (Received June 30.)

SIR: I have the honor to inclose herewith copies in French and English of my communication to the minister of justice, announcing, in obedience to your instruction No. 120, of the 28th ultimo, that the President is prepared to accept, for citizens of the United States in Egypt, the jurisdiction of the new tribunals so soon as he shall receive information of their organization.

I am, &c.,

R. BEARDSLEY.

[Inclosure 1 in No. 202.]

Mr. Beardsley to Cherif Pasha.

AGENCY AND CONSULATE-GENERAL OF THE UNITED STATES IN EGYPT,
Cairo, May 28, 1874.

MR. MINISTER: In obedience to instructions which I have received from my Government, I have the honor to inform you that the President of the United States is prepared to accept, during his pleasure, the project of judicial reform in Egypt whenever he shall receive information of the organization of the new tribunals, as provided in the "regulations of organization."

Until the organization of such tribunals, the existing judicial jurisdiction of United States consuls in Egypt shall remain unimpaired.

So soon as the President shall receive official information of the organization of the new tribunals, he will issue a proclamation suspending, during his pleasure, the judicial functions of the United States consuls in Egypt, so far as relates to the matters which are brought within the jurisdiction of those tribunals by the regulations of organization.

I am instructed to inform you, therefore, that during such suspension of consular authority the Government of the United States will accept for its citizens in Egypt the jurisdiction of the new tribunals to the extent of the jurisdiction proposed to be conferred on the new tribunals by the regulations of organization.

I have the honor to inclose herewith, Mr. Minister, a copy of the act of Congress authorizing the President to accept the project of judicial reform in Egypt, and a copy of the proclamation which the President proposes to issue, so soon as he shall receive information of the organization of the new tribunals.

Accept, &c.,

R. BEARDSLEY,
Agent and Consul-General.

No. 799.

Mr. Beardsley to Mr. Fish.

No. 221.]

AGENCY AND CONSULATE-GENERAL
OF THE UNITED STATES IN EGYPT,
Cairo, August 18, 1874. (Received September 16.)

SIR: I have the honor to inclose herewith copies and translation of a correspondence which has taken place between this office and his excellency Cherif Pasha, minister of justice, in relation to the formation of a special tribunal for the trial of cases pending at the time the new courts shall be organized and go into operation.

As the result of several conversations on the subject, his excellency sent me his first letter, (inclosure No. 1,) by which you will perceive that a protocol has been signed by the representatives of Austria-Hungary and of Egypt, providing for the formation of a special tribunal, to consist of a court of first instance and a court of appeal, before which the claimants will be invited to bring their cases within a delay of three months from the organization of the new tribunals.

This special tribunal will, in its deliberations, be governed by the rules of procedure laid down for the new tribunals, but will base its judgments upon the laws and legal customs in vigor at the time the claims originated.

Claimants who fail to take advantage of this privilege may always resort to the regular new tribunal, which, in such cases, will base their decisions upon the laws and legal customs in vigor at the time the claims originated, instead of upon the laws of the new code. Thus far all appears to be plain and simple. The statement, however, that the special court or chamber of first instance and the special court or chamber of appeal were both to be "composed by the corps of magistrates sitting in Egypt, of judges belonging to the tribunal or to the court," did not appear to me to be sufficiently clear and definite, and I addressed a note to the minister, (inclosure No. 2,) asking for either a copy of the protocol in question or a *résumé* of its provisions, especially of those provisions relating to the number and nationality of the judges.

His excellency the minister answered (inclosure No. 3) by sending me a translation of the adhesion of the government of Austria-Hungary to the protocol.

You will observe by a reference to this translation that the entire matter of the organization of these special courts is disposed of as follows: The claimants will be invited to present "their regular claims to

a senate, established for this purpose by the tribunal of first instance, from the decision of which it will be legal for the parties to appeal to a senate or a tribunal of appeal delegated for this purpose. The composition of these colleges of first and second instance will be made by the respective tribunals themselves, and in the manner which has been proposed in general for the composition of the senate."

This leaves the matter in as much uncertainty as before, so far as the all-important question of the nationality and number of the *personnel* of the special courts are concerned.

Oherif Pasha informs me that the members of the special courts in question will be of the same nationality and number as of the regular new tribunals; that, in fact, the special courts and the regular courts of the new tribunals will be practically the same.

The negotiations between Austria-Hungary and Egypt were carried on between Nubar Pasha and Mr. Ceschini, the agent and consul-general of Austria. Both Nubar Pasha and Mr. Ceschini are now out of Egypt.

Besides myself, there are but three consuls-general now in Egypt: those of England, France, and Italy; the remainder of the seventeen being on leave of absence. Neither England nor Italy have yet formally accepted the protocol, for the reason that its provisions are not sufficiently clear. France could not accept it, as she has not accepted the reform itself.

We are but little interested in the matter ourselves, having but few old cases to be settled. So soon as Mr. Ceschini returns, however, I will obtain a copy of the protocol itself and forward to you; it may be more satisfactory than the communications I have the honor to inclose herewith.

I will also be careful to inform you what action Great Britain takes in the matter.

Illness has prevented me from forwarding the papers herewith inclosed at an earlier date.

I am, &c.,

R. BEARDSLEY.

[Inclosure 1 in No. 221.—Translation.]

Cherif Pasha to Mr. Beardsley.

ALEXANDRIA, June 20, 1874.

MR. AGENT AND CONSUL-GENERAL: In the verbal and written communications which have been exchanged between the respective authorities in regard to the judiciary reform, it has often been a question to determine the proper course to follow in regard to the settlement of claims actually pending.

The necessity of some action in this regard being based upon the idea that the jurisdiction of the new tribunals can only be exercised in principle for the future, and that consequently the past must be regulated after a special and well-determined process, different propositions have been made in regard to this matter.

One of these propositions, proposed by the agent and consul-general of Italy, consisted in referring the decision of the claims to a commission, formed as a chamber of last resort, and pronouncing judgment in accordance with the laws in vigor, and chosen by the Egyptian government from among the judges called to form the new tribunals.

The government of the Khedive was quite disposed to accept this proposition, which furnished the means of putting an end to the difficulties and to the complications which these claims constantly give rise to, and which the parties interested always endeavor to remove from the regular way of the tribunals, to place upon a ground where this government cannot follow.

The agents and consuls-general of Germany, England, Austria-Hungary, and Russia, equally impressed with the necessity of terminating these difficulties, showed themselves quite favorable to the formation of the proposed commission, which, while con-

stituting a special tribunal, should not, however, resemble in any manner a tribunal of arbitration which the Egyptian government could not accept.

This proposition, so closely connected with the question of the reform, has often arisen in the discussions which have taken place on this subject.

Penetrated yourself with the importance of the subject, you have always appeared disposed, Mr. Agent and Consul-General, to lend to this end your loyal assistance for the application of some means which, in principle, might harmonize and unite all opinions.

During the long negotiations of which the reform has been the occasion this subject has been studied and examined, and the proposition has finally resulted in the following understanding between the government of Austria-Hungary and the government of the Khedive.

In a protocol signed by the agent and consul-general of Austria-Hungary and by the Egyptian government the claimants will be invited to present, within a delay of three months from the organization of the new tribunals, their claims before a special chamber of first instance and another special chamber of appeal, both composed, by the corps of magistrates sitting in Egypt, of judges belonging to the tribunals or to the court.

This tribunal and this court, while judging in accordance with their own rules of procedure, will base their judgment on the laws and customs in vigor at the time the claims originated.

Those claimants who do not take advantage of this right within the fixed delay may always present their demands to the new regular tribunals, which will judge in accordance with the new rules of procedure, but will base their judgment on the laws and legal custom actually in vigor.

Such is, Mr. Agent and Consul-General, the result of the communications exchanged between the government of Austria-Hungary and the Egyptian government, notably under the dates of February 18 and May 23, last.

As you will remark, this arrangement rests upon the fundamental idea which served as the base of the first proposition, and which referred the judgment of pending reclamations to the magistrates chosen among the judges of the new tribunals.

But, aside from the general resemblance to the first proposition, the agreement arrived at presents some points of difference containing so many advantages, that their importance cannot escape your attention.

In effect, according to the terms of this agreement, it is no longer simply a question of a decision rendered in last resort, that is to say, passed by a single decree of jurisdiction and announced by a commission or special tribunal chosen by the Egyptian government from among the magistrates composing the new tribunal; it is now a decision rendered in first instance and in appeal, that is to say, passed by two degrees of jurisdiction, and emanating from special chambers of first instance and of appeal, composed, by the same corps of magistrates, of judges belonging to the tribunals of first instance and of appeal.

The advantages of the mode of procedure established by the last arrangement are therefore evident, and the decision rendered by the magistrates thus designated and proceeding like ordinary tribunals with the conditions of publicity, appeal, &c., which form the base of all serious judgment, seems to present all the guarantees desirable, whether for the interested or for the judges themselves; guarantees which would not exist in a tribunal of arbitration sitting, so to say, with closed doors and without publicity or appeal.

Thus, Mr. Agent and Consul-General, the government of Austria-Hungary has completely accepted this mode of procedure which the government of the Khedive was the first to sustain as being the best and most regular.

The Government of the United States, which holds the sentiment of justice so high, will, without doubt, equally recognize that the way indicated in the agreement with the government of Austria-Hungary is really the most sure and the most proper to preserve every interest in principle.

In charging me to request you, Mr. Agent and Consul-General, to be so good as to submit this agreement to the kind attention of your Government, His Highness hopes that the Government of the United States will not hesitate to join its adhesion to that of the government of Austria-Hungary; and thus will cease all the embarrassments which pending reclamations have given rise to.

Accept, &c.,

CHERIF.

[Inclosure 2 in No. 221.]

Mr. Beardsley to Cherif Pasha.

CAIRO, July 18, 1874.

Monsieur LE MINISTRE: I have had the honor to receive your communication of the 20th ultimo, in relation to the formation of a special tribunal for the consideration of

unsettled cases which may be pending when the new judicial tribunals shall go into operation.

Your excellency says with truth that the necessity of some action in this direction is based upon the fact that the jurisdiction of the new tribunals can only extend, in principle, to the future, and that, consequently, the past must be regulated after a special and well-determined process.

In the course of the long negotiations which have taken place between the government of His Highness and the other powers in relation to judicial reform this question has often arisen, and different propositions have been made in regard to it.

The representatives in Egypt of Germany, England, Italy, Russia, and Austria have all shown themselves favorably disposed toward the formation of some kind of a commission, which, while constituting a special tribunal, shall not in any manner resemble a tribunal of arbitration, which the Egyptian government could not accept.

Your excellency proceeds to say that after long and careful study and examination of the subject, a final arrangement has been entered into between the government of Austria-Hungary and that of His Highness the Khedive, and a protocol on the subject has been signed by the consul-general of Austria-Hungary and by the Egyptian government.

By the terms of this protocol the claimants will be invited to present their cases, within a delay of three months after the establishment of the new tribunals, before a special chamber of original resort and another special chamber of appeal, both composed, by the body of magistrates sitting in Egypt, of judges belonging to the tribunals or to the courts, (*"les réclamants seront invités à présenter dans un délai de trois mois à partir de l'installation des nouveaux tribunaux, leurs instances régulières devant une chambre spéciale en première instance, et une autre chambre spéciale en appel, composées l'une et l'autre par le corps de la magistrature siégeant en Egypte, de juges appartenant aux tribunaux ou à la cour."*)

This tribunal and this court will be governed in their deliberations by their own rules of procedure, but they will base their judgments upon the laws and customs in vigor at the time the actions originated.

The claimants who do not profit by this right within the delay fixed will always be permitted to bring their claims before the regular new tribunals, which in the consideration of such claims will be governed by their own rules of procedure, but will base their judgments upon the laws and legal customs in vigor at the time the actions originated.

After pointing out the advantages of this manner of disposing of such cases as may be pending at the time of the inauguration of the new tribunals, your excellency invites me to submit the terms and conditions of the protocol in question to the attention of the Government of the United States, and expresses the hope that the United States will not hesitate to give its adhesion to an arrangement so well calculated to settle all differences and remove all embarrassments resulting from reclamations now pending.

In reply to your excellency's dispatch, I have the honor to say that the general idea of disposing of all claims now pending, or of those which may originate before the organization of the new tribunals, by the means of a special commission or tribunal appointed for that purpose, seems to be a practical solution of an embarrassing question.

In regard to the arrangement entered into with the government of Austria-Hungary, the provisions of the protocol are not fully explained in your excellency's dispatch.

That I may arrive at a just understanding of the terms of the protocol, so as to be able to submit them clearly to the consideration of the Government of the United States, I have the honor to request that I may be either furnished with a copy of the protocol, or a *résumé* of its provisions; especially of those provisions relating to the number and nationality of the judges composing the tribunal and court of appeal.

Accept, &c., &c.,

BEARDSLEY.

[Inclosure 3 in No. 221.—Translation.]

Cherif Pasha to Mr. Beardsley.

ALEXANDRIA, July 25, 1874.

MR. AGENT AND CONSUL-GENERAL: I have received the dispatch which you have done me the honor to address to me under date of the 18th instant, in response to mine of the 20th of June, on the subject of the formation of a special tribunal to which shall be referred affairs now pending, and those which may arise before the organization of the new tribunals.

I hasten to respond to the desire which you have expressed to me, by transmitting to you, herewith, a copy of the translation of the adhesion of the government of Aus-

tria-Hungary, which has been communicated to the government of His Highness the Khedive, by the agent and consul-general, Mr. Ceschini:

"In a protocol signed by the agent and consul-general in the name of the government of Austria-Hungary, on the one hand, and by the competent authority in the name of the Egyptian government, on the other hand, the parties claimants will be invited to present, within a delay agreed upon, fixed at three months, for example, their regular claims to a senate, established for the purpose by the tribunal of first instance, from the decision of which it will be legal for the parties to appeal to a senate, or a tribunal of appeal delegated for this purpose.

"The composition of these colleges of first and second instance will be made by the respective tribunals themselves, and in the manner which has been proposed in general for the composition of the senates.

"The decisions will be based upon the laws and legal customs actually in vigor.

"The Egyptian government, on the one hand, and the parties who may take advantage of this right, on the other hand, will submit absolutely to the sentences of these tribunals, which will be executed after having been passed in judgment, in conformity to the rules of the statute of organization.

"Those claimants who do not take advantage of this right within the fixed delay may always present their claims to the new regular tribunals, which, in pronouncing judgment in accordance with the forms of the new procedure, will base their decisions upon the laws and legal customs actually in vigor."

I hope, Mr. Agent and Consul-General, that the text which precedes will enable you to enlighten your Government in regard to the proposition which I have had the honor to make to you relative to pending affairs.

Accept, &c.,

CHERIF.

No. 800.

Mr. Beardsley to Mr. Fish.

No. 224.]

AGENCY AND CONSULATE-GENERAL

OF THE UNITED STATES IN EGYPT,

Cairo, August 21, 1874. (Received September 16.)

SIR: On reference to my dispatches of last spring, I discover that I failed to report the important fact of the imposition of local taxes upon the personal property of foreigners residing in Egypt. I prepared a dispatch on the subject at the time, but it seems not to have been forwarded.

Heretofore foreigners in Egypt have been exempt from all local taxes, and the idea generally prevailed that this exemption was in virtue of the capitulations or treaties. When the new taxes were announced, there was of course a general protest against the action of the government on the part of all foreigners, and an appeal to consular authority and protection. No citizen of the United States being affected by the government's action, no appeal or protest was made to me.

Most of the governments having representatives in Egypt have quietly accepted the new taxes for their subjects in Egypt; that is to say, they have not opposed the action of the Egyptian government.

As a matter of fact, but few of the new taxes have been collected, and the order imposing them is almost a dead letter, for the reason that the government has no authority over foreigners under the present system of consular jurisdiction, and no power to enforce the payment of taxes.

The consul may say to the Egyptian authorities, "Yes, it is very just that foreigners in Egypt, who enjoy all the benefits of her prosperity, should contribute to the support of the government which promotes that prosperity by paying their proportion of local taxation, but I cannot be

your tax-collector. If the citizens of the government which I represent do not pay their taxes promptly you have my full permission to collect them as best you can, but you must not lay a hand on their persons or their property, and the violation of any right secured by the capitulations will be promptly reported to my government."

Of course, under these circumstances, it is impossible to collect the new taxes by force. Many foreigners pay them freely and promptly, recognizing the justice of their imposition, but the majority refuse to pay.

France is the only first-class power which seriously contests the right of the Egyptian government to impose these taxes on the personal property of foreigners, and she appeals to the capitulations. It so happens, however, that there is nothing in the treaties between France and Turkey which can be fairly construed as an exemption from taxation of French citizens in Turkey.

France therefore appeals to the most-favored-nation clause, and refers to the thirteenth article of the treaty between Great Britain and Turkey, which, translated, reads: "All English, or subjects of England, married or not married, who may live or reside in our states, whether they be artisans or merchants, shall be exempt from every species of tribute." She also refers to a clause in the treaty with Russia, (article 2,) which is something to the same purpose, although not so definite.

Her appeal to the most favored clause is, however, weakened by the fact that both England and Russia have accepted, without opposition, the imposition of the new taxes.

I inclose herewith a list of the taxes referred to, which are to be paid annually by foreigners and natives alike.

I am, &c.,

R. BEARDSLEY.

[Inclosure.]

List of taxes imposed upon the personal property of foreigners in Egypt.

Carriages with 4 wheels and 2 horses, about	\$15
Carriages with 2 wheels and 1 horse, about	7½
Carriages with 4 wheels and 1 horse, about	12
A horse or a mule	3
A donkey	2
Wagons with 4 wheels and 2 horses	12
Wagons with 2 wheels and 1 horse	7½
Carts with 2 animals for carrying stone	8½
Carts with 1 animal for carrying stone	5
Carts with 1 animal for carrying merchandise	7
Carts with 2 animals for carrying merchandise	8
Carts with 1 horse for carrying water	4
Carts with 1 ass for carrying stone, earth, and every other kind of cart of the same nature	2½
Carriages with 4 wheels from training horses, omnibuses, and similar vehicles	6½

Animals employed as pack-horses in mills or at other work.

A horse or mule	2½
An ox, cow, or other similar animal	4
A camel	6
An ass used for carrying luggage	2

The proprietor of every rented house must pay an annual tax equal to the amount of one month's rent of the house.

No. 801.

Mr. Beardsley to Mr. Fish.

No. 226.]

AGENCY AND CONSULATE-GENERAL
OF THE UNITED STATES IN EGYPT,
Cairo, August 26, 1874. (Received September 17.)

SIR: Notwithstanding the fact that the subject of Egyptian finances has been almost constantly under discussion in the financial journals of Europe during the past six months, it is difficult to arrive, even now, at a correct knowledge of the true state of the Egyptian treasury, or to decide as to the desirability of Egyptian obligations as securities. On the one hand there is a lack of official and trustworthy information on the subject, and a general belief in extravagance on the part of the Egyptian government and of mismanagement on the part of the minister of finances; while on the other hand no one doubts the great resources of the country, nor the feasibility, with ordinary good management and economy, of rendering Egyptian obligations among the safest and most desirable in the market. In fact, until a year ago, they stood among the best of foreign investments in the money markets of Europe, and the £32,000,000 loan was launched upon the market last July by the government, with perfect faith in its success.

It was, as you well know, a complete failure as a popular loan, and was only partially disposed of to the Oppenheims at 25 per cent. discount. The causes of this failure were various. On the eve of the loan certain parties in Egypt, for reasons chiefly personal, represented the financial condition of the country as very bad, and the national debt as being an enormous burden, too heavy for the resources of Egypt to bear. Reports of the grossest extravagance and most reckless management were circulated here and found echo in the commercial and financial journals of England and Europe. There were no counter-statements in response to these charges. The government, apparently taken by surprise, was totally unprepared to defend its financial administration, and it realized too late the error of a policy which left its creditors without official information concerning the financial condition of the country. The result was a general panic in Egyptian securities of all kinds, and the government, having depended upon the proceeds of the loan for means to meet its obligations, found itself in a most critical and embarrassing position. It was, moreover, just at the moment of the general crisis which disturbed the equilibrium of the financial world, which of itself would have rendered the success of the loan sufficiently doubtful. Altogether the result was, for the time, disastrous to the financial condition of the Egyptian government. The best Egyptian securities depreciated 20 per cent. in value in a few weeks, and the new loan could not be disposed of at any price, except to private banking-houses on most usurious conditions.

The government, however, met all its obligations, and came through the crisis better than might have been hoped for. It moreover set to work to enlighten the world as to its financial condition and to give an account of its operations during the past ten years. Retrenchment in the public expenditures was inaugurated; many public works were suspended; extraordinary and unnecessary outlets to the national treasury were closed up; many sinecures were abolished; increased taxation was applied to the country, and altogether a new and healthy *régime* was inaugurated. Confidence in the solvency and good faith of the Egyp-

tian government has gradually returned and the reaction has set in, as is manifested by an advance of from 10 to 15 per cent. in her bonds.

With a bonded debt of nearly \$250,000,000, nearly four-fifths of which has been created during the past ten years, it is desirable that the financial world should know how such an enormous debt has been created in so short a time of profound peace and the probable solvency and resources of the country.

With this object in view, various statements bearing on the subject have been made during the past six months, some of them official by the government and others emanating from private individuals, some of which bear evidences of official inspiration. Some of the figures contained in these exhibits are rather remarkable, and the fact seems to be pretty well established by them that the resources of Egypt, actual and prospective, and the general character of its government, circumstances, and population, are such as to justify the amount of indebtedness referred to above; and further, that a fair proportion of this debt has been incurred for purposes of productive expenditure and in developing resources which in the ultimate resort form the bases of the security held by the Egyptian creditor.

I inclose herewith a pamphlet on the finances of Egypt, by an anonymous author, which gives the most satisfactory history of the various Egyptian loans that has appeared. The author also explains the difference between the national loans, secured by the national revenues, and the Daira (or the Khedive's private treasury) loans, secured by the Khedive's private estates, and shows that the latter loans form no part of the public debt of Egypt. He also reviews the financial and commercial history of the country during the past ten years, examines the budget issued last year by the ministry of finance, and finally arrives at the general conclusion, "that not only is the recent artificially produced distrust in Egyptian securities unwarranted by any change in the substantial grounds of the country's credit, but that, relatively to the interest they yield, there are absolutely no other bonds known to the stock exchange which offer equal security to investors."

The government loans amounted originally to:

Loan of 1862, first loan	£3, 292, 800
Loan of 1864	5, 704, 200
Loan of 1866, railway loan	3, 000, 000
Loan of 1868	11, 890, 000
Loan of 1873	32, 000, 000
	55 887, 000

This amount has been reduced to about £49,572,000 by the operation of the sinking-fund, which amount now represents the entire indebtedness, with the exception of such balance of the floating debt as may remain in excess of the proceeds of last year's loan. This debt has been incurred in eleven years, and the question is, what has been done with it? An official answer is given to this question in a document appended to the pamphlet, in the form of a summary statement of the receipts and expenditures for the ten years ending September, 1873, published by the Khedive's government.

This statement shows that the revenues of Egypt steadily increased from £4,813,970 in 1864 to £10,571,048 in 1873, and that the proceeds of the loans raised during the entire term amounted to £26,949,000, (only £11,700,000 of the last loan having been realized in September, 1873.) Seventy-one million one hundred and fifty-three thousand seven hundred and twenty pounds were received as taxes and direct revenues, making an aggregate of receipts in the ten years of £98,102,720. On

the other hand, the expenditure during that period was £112,561,784; leaving a deficiency in the shape of floating debt amounting to £14,359,064.

Among the items of expenditure during the ten years the following are conspicuous :

Tribute to Constantinople, Egypt.....	£6,066,700
Home and administrative expenses.....	38,603,066
Payments on the loans.....	16,339,537
Construction of railroads.....	9,653,327
Suez Canal, direct and indirect expenses.....	10,377,131
Harbor and dry-docks at Suez.....	1,151,101
Harbor and dry-docks at Alexandria.....	1,238,587
Improvement of steam, postal, and commercial service.....	2,304,406
Cost of an iron-clad presented to the Sultan.....	289,421
Cost of Sir Samuel Baker's expedition.....	474,063
Cost of light-houses on Egyptian coast.....	165,750
Cost of city improvements at Cairo and Alexandria.....	1,390,135

The nature and extent of the public works undertaken and prosecuted by the Egyptian government during the past decade, as well as the increased resources and prosperity of the country, was represented at considerable length in my last annual report, forwarded with my dispatch No. 126, of September 15, 1873.

The budget of the Egyptian government for the year 1873-'74 is also appended to the pamphlet which I herewith inclose. I had the honor to forward the same document, with a summary of the same, with my dispatch No. 145, of October 24, 1873. The estimate of the budget is: Receipts 9,741,656 Egyptian pounds, and expenditures 8,645,329 Egyptian pounds, leaving a surplus of 1,096,328 Egyptian pounds; the Egyptian pound being equivalent to about five dollars.

A revenue of £10,000,000 is relied upon for the future, which, if realized, ought to leave a goodly balance in the treasury to meet the charges on the floating debt, &c., if ordinary economy is practiced in the administration of the country.

I will continue the subject of Egyptian finances in a future dispatch.

I am, &c.,

R. BEARDSLEY.

No. 802.

Mr. Beardsley to Mr. Fish.

No. 230.]

AGENCY AND CONSULATE-GENERAL
OF THE UNITED STATES IN EGYPT,
Cairo, August 31, 1874. (Received September 23.)

SIR: To continue the subject of my dispatch No. 226, of the 26th instant, in relation to the finances of Egypt, I have the honor to inform you that the balance of the thirty-two million loan of last year has been taken by the house of Oppenheim, Neveu & Co. on the same terms as they took the first half of the same loan in July, 1873.

The conditions of that loan and the manner in which it was placed on the market were given in dispatch No. 117, of July, 1873. The loan was placed on the market simultaneously here and in Europe, and, as you already know, was a failure.

The Oppenheims took £16,000,000 at 75, fixed, with the option of taking the balance within sixteen months if not taken by public subscription before that time.

In the mean time but a limited amount has been taken by the public, and within a few weeks final arrangements have been made with Oppen-

heim, Neveu & Co., by which they take the balance of the loan, about £16,000,000 nominal, on the same terms as they took the first £16,000,000; that is to say, at 75, fixed.

As a matter of fact, they had already advanced the government about £7,000,000, leaving only £5,000,000 to be arranged for.

The large floating debt has been nearly extinguished by this operation, but it is to be observed that while the obligations of the government have been issued to the amount of £32,000,000, the treasury has only realized about £23,000,000 from the loan.

The present condition of the finances seems to be as satisfactory as could be expected. The remainder of some of the old loans have been extinguished, and the floating debt has been reduced to about £3,000,000.

To meet all the engagements of the government to the end of next December, however, £3,000,000 are required; and an arrangement for a re-issue of treasury bonds has been made, on which, as security, the Anglo-Egyptian Bank is to advance the required amount. These bonds, as well as all the balance of the bonds of the floating debt, fall due next year, 1875.

Five or six millions of bonds, that is to say, the entire floating debt, will thus fall due next year. To meet that demand, it has been proposed to issue an irredeemable national loan of £5,000,000, and invite native subscriptions.

The loan will be issued to natives at par, in bonds of small amount, bearing nine per cent. interest, and payable in monthly installments, extending from the 1st of November, 1874, to the 1st of November, 1875.

To render the loan popular with the natives, the bonds will be registered at the rouznameh, or religious divan.

The rouznameh is a divan or department, having charge of religious estates and of all contracts of a sacred or peculiarly permanent nature.

Any contract registered at the rouznameh partakes of the religious nature of the divan, and is secure from arbitrary action on the part of the civil authorities.

Many Egyptians deposit their money and valuables at the rouznameh for safety, deriving no interest or benefit therefrom. It is believed that many who now deposit at the rouznameh without benefit will gladly avail themselves of the national loan, which will be equally safe as a permanent investment, and will yield them 9 per cent. interest, in semi-annual payments.

Reference to this loan has been made in various European newspapers during the past summer, and it has been stated that the loan has not only been placed on the market, but that it has been more than covered already.

Such is not the case, however. Not a single bond of the loan has been issued, and its success is considered by many as extremely doubtful.

I am, &c.,

R. BEARDSLEY.

No. 803.

Mr. Beardsley to Mr. Fish.

No. 235.]

AGENCY AND CONSULATE-GENERAL

OF THE UNITED STATES IN EGYPT,

Cairo, September 12, 1874. (Received October 14.)

SIR: As everything relating to the expedition of Colonel Gordon is

of interest, I inclose herewith certain papers taken from the London Mail.

Inclosure No. 1 is a series of letters, comprising a correspondence between Sir Samuel Baker and others in regard to the slave-trade in Egypt, and the employment of one Abou Saood by Colonel Gordon. This Abou Saood was mentioned in my dispatch No. 123, of September 3, 1873, as being at that time in Cairo, and under arrest.

Inclosure No. 2 relates to the progress of the expedition.

I am, &c.,

R. BEARDSLEY.

[Inclosure 1 in No. 235.]

[From the London Mail of July 24, 1874.]

THE SLAVE-TRADE IN EGYPT.

To the Editor :

SIR : I have always endeavored to uphold the personal sincerity of the Khedive of Egypt whenever doubts have been raised concerning his determination to suppress the slave-trade.

I received from the hands of the Khedive a firman with stringent orders to suppress the slave-trade of the White Nile, and to establish the government of the Khedive throughout the Nile Basin of Central Africa.

It appears hardly credible that, at the same time I received orders from the Khedive, together with absolute and supreme power, to "annex countries to Egypt and to establish a government," those countries, which did not belong to Egypt, had already been leased by the governor-general of the Soudan at a high rental to piratical slave-hunters, who, under the assumed name of ivory-traders, started from Khartoum and desolated the interior—massacreing, plundering, burning, and kidnapping the women and children to be sold as slaves throughout the Soudan.

The most important of these slave-hunters was a firm of Agād & Co., of Cairo, represented by a brother named Achmet Sheik Agād, at Khartoum. The business was under the practical control of a son-in-law of Agād, named Abou Saood. This man annually accompanied the vessels from Khartoum with fresh re-enforcements of brigands, together with a large supply of ammunition, but no merchandise, as the medium of exchange for ivory was cattle. These were stolen in *razzias* from one tribe to be exchanged for ivory in another.

Abou Saood had about 2,500 armed men in his employ. These were Arabs, runaway soldiers, villains who had escaped punishment, *et hoc genus omne*. All were armed with muskets, and were organized after a military fashion in companies, with the requisite officers.

Abou Saood was a respectable tenant of the Egyptian government, to establish commerce in Central Africa without merchandise of any kind, but supported by 2,500 cut-throats !

When I was established at Gondokoro as governor-general of the new territory, this man Abou Saood arrived from Khartoum with eight vessels and about 500 of his brigands on the 9th of June, 1871. His people drove along the bank a herd of 1,400 cows and calves, which he had captured, in defiance of my authority, from the Shir tribes where I had left a small detachment of a major, a sergeant, and five soldiers under the protection of a friendly chief.

The result of Abou Saood's wanton attack was natural. The natives, suspecting complicity on the part of my detachment of regular troops, massacred the five soldiers, and the officers escaped through the devotion of the chief with whom I had left them.

Throughout the long expedition this man Abou Saood not only incited the natives of the interior to resist me by force, but eventually he gave orders to his chief officer, Wat-el-Mek, to attack my small detachment of government troops at Fatiko.

The attack was made on the 2d of August, 1872, according to the orders given by Abou Saood. It was repulsed and Abou Saood, the slave-hunter, fled to Cairo to complain to the Khedive of my acts in destroying his commerce—*i. e.*, suppressing the slave-trade.

Upon my arrival at Cairo I requested the Khedive to bring this man to public trial before the medgeldis, or public tribunal. I had brought with me all the necessary witnesses, including Lieut. J. A. Baker, R. N., together with five Englishmen, among whom were my chief engineer, Mr. M. William, and Mr. Jarvis, chief shipwright. These respectable witnesses had been present officially at Gondokoro when Wat-el-Mek, the agent of Abou Saood, swore upon the koran "that Abou Saood had given orders to him and his people to attack me and the government troops."

Abou Saood had murdered in cold blood Werdella, the chief of the Madi tribe, whom

he had kept prisoner in his camp, and to whom I had granted protection. His people fired at my messengers when I sent a letter to his camp concerning the protection of this man. Abou Saood had previously murdered in cold blood the chief of Belinian, together with several members of his family, who had accepted a friendly invitation to his camp. The unsuspecting guests were captured and butchered.

Abou Saood, the tenant of the Egyptian government, the greatest slave-hunter of the White Nile, represented the public opinion of Egypt in his opposition to the expedition for the suppression of the slave-trade. The last act of this expedition under my command clinched the evidence against both him and certain unknown authorities who had supported him.

On the 8th of June, 1873, during my homeward voyage to Khartoum, I overtook three vessels belonging to Abou Saood, with 700 slaves on board! These vessels were on their way toward Khartoum, and were prepared to pass the government station of Fashoda, which actually dominates the river. Thus, while I had been strenuously working against the slave-trade in the south, the arch slave-trader, Abou Saood, was carrying down masses of slaves behind my back by the north. The commander of the slave-boat Wat Hojoly assured me that he and others were in the habit of bribing the governor of Fashoda and passing cargoes of slaves during my absence. These three vessels and their slave cargoes were captured, and the curtain fell upon this last act of the expedition.

Upon my arrival at Khartoum I heard that Abou Saood, the slave-hunter, had gone to Cairo to protest against my interference. I telegraphed to arrest him. On my arrival in Cairo, furnished with overwhelming evidence against the ruffian, I literally could not bring him to justice. I begged the Khedive to bring him before the public tribunal. He declined, but ordered that he should be tried by a secret tribunal composed of Nubar Pasha, Chérif Pasha, and Ismail Pasha, the minister of finance. The proposal of a secret tribunal was so un-English that I opposed the idea of a triumvirate which smacked of the Inquisition.

For more than six weeks I remained in Egypt, and in spite of every exertion I could not induce the Khedive to bring the malefactor Abou Saood to trial. At length, Nubar Pasha begged me to give him all my documentary evidence, and to go to England, with the assurance, on his word of honor, "that the slave-hunter Abou Saood should have a fair trial"—before the "secret tribunal." I gave up my documentary evidence, but I took a receipt from Nubar Pasha, which I now hold.

No sooner was my back turned than the prisoner was released, and Abou Saood, the great slave-hunter of the White Nile, the murderer of native sheiks under government protection, the rebel who gave orders to his people treacherously to attack and murder me if possible—this man has been appointed by the Khedive to be the agent or right-hand man to assist Colonel Gordon in his present expedition.

Abou Saood is not only at large, but he is in a position to spread every false report that villainy can suggest.

I make every allowance for the difficult position of the Khedive, who, in commencing an expedition to suppress the slave-trade, directly opposed the public opinion of his subjects. At the same time, if Egypt is seeking to establish a reputation in Europe as a civilized power that is struggling for independence, and is at the present moment endeavoring to escape from consular jurisdiction, it will be impossible for her to secure the confidence of the civilized world except by an exhibition of good faith.

SAM. W. BAKER.

SIR SAMUEL BAKER AND COLONEL GORDON.

To the Editor :

SIR: I have read with considerable interest the letter which appears in the Mail this evening signed by Sir Samuel Baker; and, as the English public has heard a good deal of one side of this subject, and generally from the same source, I hope I may be permitted to offer a few observations upon Sir Samuel's letter, as one who during some years has taken some interest in all matters Egyptian.

I received from Colonel Gordon before he started on his expedition a photograph of Abou Saood, the redoubtable person whose character is so severely handled by Sir Samuel, and in handing it to me Colonel Gordon accompanied it by some remarks regarding him, and generally upon the scope and nature of his intended enterprise. As our conversation had no quality of confidence attached to it, and as it directly bears upon the contents of Sir Samuel's letter, a few brief words may put a rather different complexion upon the transaction from that which Sir Samuel Baker has sought to convey. It certainly does seem at first sight very singular that Colonel Gordon should seek for his companion the man who it was Sir Samuel Baker's urgent request should be hanged; and the argument deduced by Sir Samuel Baker from this fact, that the Viceroy has altered his determination to suppress slavery in Egypt, has an appearance, at the least, of plausibility. But both the fact and the argument are capable of a satisfactory explanation.

Colonel Gordon informed me that he was going up to a country which was in a state of vigorous hostility to the Egyptian government, caused in a great measure by the imperious manner in which Sir Samuel Baker attempted to carry out his instructions. Sir Samuel Baker had an engagement with the Viceroy for three years, at the handsome salary of £10,000 a year, and during this period he attempted to uproot an institution which had existed as a supposed domestic necessity and a source of commercial profit among a rude people for all time.

The attempt was hopeless, and no other result could be expected. To enable such a policy to be successful, it would have been necessary to maintain a very large force and to assume a hostile attitude to the population in Upper Egypt for many years; bitterness and retaliation, arising from a sense of sudden injustice, would have animated the whole population, and in place of these territories being annexed to the Khedive's dominions, they would have been alienated and a state of constant warfare would have supervened. No statesman, and least of all the Khedive of Egypt, who is as astute and shrewd a ruler as there is in existence, would have entered upon such a policy, whatever the object might be which he had in view. Sir Samuel Baker's policy was one in which we heard of nothing but the magnitude of his powers and of his office, of conquests here and battles and victories there, with all the pomp and circumstance of war attached to his dispatches. This was carried so far that when the famous telegram arrived, shortly before he arrived himself in Cairo, announcing the battle and victory in which about two hundred of his army were engaged and an immense territory added to the Khedive's dominions, a suppressed laugh was visible in all our countenances; but it was no laughing matter to the Khedive's government, who regretted exceedingly the course which Sir Samuel had pursued.

Colonel Gordon told me that his express instructions from the Khedive were to undo the mischief which Sir Samuel Baker had created, and by a policy of patient conciliation to bring back the lost allegiance of the people of Upper Egypt to the Khedive's government—a people who, the Khedive stated with some emotion, had been the pride and glory of his grandfather Mehemet Ali's reign, and whose welfare was always his concern.

While the Khedive was most anxious that slavery should be abolished in his dominions, and Colonel Gordon was to consider this the ground-work of his expedition, he knew that it could only be accomplished in that country by great patience, by giving increased facilities for the expansion of legitimate commerce, and by gradually finding better substitutes for that trade which was practiced.

Seeing the situation of affairs and the duties before him, Colonel Gordon entreated the Viceroy to spare Abou Saood's life, and to permit him to use him in any way he might see to be of advantage. All Colonel Gordon's victories have been effected by small numbers, and mainly by moral force. Had Colonel Gordon proceeded to Upper Egypt alone, and with the small force at his command, while the passions of the people had been aroused by Sir Samuel Baker's policy, he could expect nothing but defeat and disaster. It occurred to him to endeavor to utilize Abou Saood and the great power and influence at his command; and I can simply say that, whatever may be the result, Abou Saood gave his most solemn promise to Colonel Gordon that, as Sir Samuel Baker had now left his country, he would endeavor to show Colonel Gordon how anxiously and energetically he would strive to assist where he had hitherto resolved to thwart; and it is my humble conviction that Colonel Gordon's judgment of the man will in the end be justified.

I know nothing of the transactions of this man, whom Sir Samuel has so violently attacked; but Colonel Gordon stated to me that it was to Abou Sooad that Sir Samuel mainly attributed the abortiveness of his expedition, and, naturally, Sir Samuel was embittered against him. Abou Sooad denied dealing in slaves; his family are extremely wealthy and greatly respected in Cairo. Abou Saood is a young man of remarkable energy for his age; and he stated it was because Sir Samuel had confiscated the ivory belonging to his people, and because his rule was merciless toward the people, that he offered him all the resistance in his power.

It is nearly five months since Colonel Gordon and Abou Saood started, and I can scarcely imagine that Sir Samuel Baker has been ignorant till July of all that has occurred. Why does he only now write this history to the Mail? Is it because he begins to see that Colonel Gordon's judgment and policy are likely to be successful, while his expedition was a source of dissatisfaction to the Khedive and his government? Or is it that a book is shortly to be published, and the public must be prepared to take all Sir Samuel's facts as authentic, and stir their imaginations by sensational incidents?

Whatever may be the reason, I trust the public will suspend their judgment, and wait to hear both sides of the question relative to Sir Samuel's last Egyptian expedition.

I have no pretension to defend the Egyptian government or to speak in their name; I simply add the quota of an observer and a listener to the subject.

Yours, obediently,

JAMES SHAW.

150 LEADENHALL STREET, E. C., *July 24.*

THE SLAVE-TRADE IN EGYPT.

To the Editor :

SIR: I decline to enter into any controversy with any person who does not officially represent the Egyptian government, unless he has been an eye-witness to the facts of the late Central African expedition. The object of my letter published in the Mail of the 24th instant is to direct the attention of the public to the fact that seventeen official documents, sworn to on the Koran by numerous witnesses against Abou Saood, were delivered by me to Nubar Pasha, who promised, on the part of the Khedive of Egypt, that the accused should have a fair trial. I hold a receipt for these documents, and I wish to know whether the promise of a fair trial has been carried out, and I request that the evidence contained in the seventeen documents shall be made public. I was employed to suppress the slave-trade. It appears from a letter in the Mail of to-day that Abou Saood "denied dealing in slaves." I have numerous witnesses in England who will prove that the last act of the expedition was to overtake three vessels laden with slaves, about 700, belonging to Abou Saood. The same witnesses will prove that Abou Saood arrived at Gondokoro with about 1,400 head of cattle which he had stolen from the Shir tribe of the White Nile.

To those who are really interested in the slave-trade and its attendant horrors, these are important facts, which I can and will prove.

Your correspondent mixes Colonel Gordon's name with the question of Abou Saood in an unnecessary manner. I have the greatest respect for that officer, and I have done all that I can, by advice respecting his iron carts and material, &c., to assist in his success, which will be my greatest pleasure.

SAMUEL W. BAKER.

JULY 25.

To the Editor :

SIR: I have observed a letter, signed by Sir Samuel Baker, under the head of "The slave-trade in Egypt."

Having had the honor to be engaged in the late expedition in charge of the topographical department, I accompanied Sir Samuel Baker through every step of the journey, and I hasten to bear witness to the atrocities committed by Abou Saood, who caused much of the misery and loss of life which were the results of his intrigues and rebellious connections with the enemies of the government. The evidence against this man was conclusive and overwhelming, as having ordered his forces to attack Sir Samuel Baker's weak detachment at Fatiko on August 2, 1872.

Although I have been an eye-witness for more than four years to the intrigues and active hostility exerted against Sir Samuel Baker's expedition to suppress the slave-trade, I could hardly have imagined, even after due allowance for the well-known duplicity of Orientals, that Abou Saood would have been permitted to escape.

I will not trust myself to express my feelings respecting his appointment as Colonel Gordon's agent, but I am quite satisfied that distinguished officer has no suspicion of the villainies Abou Saood has committed.

I shall be happy at any time to come forward to give evidence to every incident connected with the late expedition, when the "suppression of the slave-trade" which Sir Samuel Baker most faithfully and determinedly carried out raised enemies on every side.

Gratitude or any recognition for such a service could hardly be expected in Egypt, where the suppression of the slave-trade is an idea hateful to all classes.

Your obedient servant,

JULIAN A. BAKER, *Lieutenant, R. N.*

PRESCOTT HOUSE, WINCHCOMBE, *July 25.*

SIR SAMUEL BAKER'S EXPEDITION.

To the Editor :

SIR: I have seen in the Mail of the 27th instant a letter from Sir Samuel Baker, in which he says to those who are really interested in the slave-trade and its attendant horrors there are important facts he can and will prove by numerous witnesses now in England.

He charges Abou Saood with stealing 1,400 head of cattle from the natives of the Shir tribe and bringing them to Gondokoro; also that he overtook three boats on the way to Khartoum, laden with 700 slaves belonging to Abou Sooad. Now, as I am one of the unfortunate survivors of his expedition, I presume I am one of the parties he refers to, and hasten to give my testimony in the matter.

Previous to Sir Samuel Baker's leaving Khartoum for Gondokoro, he made arrangements with the firm of which Abou Saood was agent, for a supply of cattle, at so much per head, during his stay in the country. In agreement with this arrangement, Abou Sooad brought up a number of cattle to Gondokoro, which he took from the Shir tribe

in the usual manner. These cattle Sir Samuel Baker took by force from Abou Saood without paying for them. Sir Samuel must have been quite aware that Abou Saood could only obtain them in the manner he did when he made the agreement with his firm in Khartoum. I am not aware that Sir S. Baker ever made any recompense to the Shir tribe for the loss of their cattle, although quite within his power to do so.

It is quite true that we overtook three boats with a number of slaves on board, and I have no doubt that the boats belonged to Abou Saood's firm. It was very fortunate for us we came up with the slave-dealers, as without their assistance we could not have got through the Sud in the Bahir Giraffe until the river rose. Delay in that dreadful region would have been attended with great disaster in the state of health we were all in. The slave-dealers gave their assistance with a hearty good will, and Sir Samuel rewarded the head man of the slave-fleet with suitable presents, and parted with mutual good wishes.

If Sir Samuel Baker wishes at any time for my testimony as to the barbarous manner in which the expedition was conducted, the wholesale murders, pillage, and ruin of the country, he is welcome to it. Or should the Royal Geographical Society, or any body of gentlemen, wish for any information respecting that futile expedition, I shall be glad to give it previous to my departure from this country. Sir Samuel Baker states that he gave Colonel Gordon assistance and advice as to the construction of his iron carts and other means of transport. He may have done so, but Colonel Gordon never acted upon it, they having been designed and ordered by me at Colonel Gordon's request, I having been in his employ for some weeks previous to his departure for Egypt.

J. MWILLIAM,

Chief Engineer late White Nile Expedition.

8 BALMORAL TERRACE, ABERDEEN, July 28.

SIR SAMUEL BAKER'S EXPEDITION.

To the Editor:

SIR: Mr. Baker, in the Mail of the 5th instant, states that the reason why Sir S. Baker did not return the cattle he took from Abou Sooad to the Shir tribe, was because they had massacred a small detachment of government soldiers under the impression that they were accomplices of Abou Sooad. This is not correct. Sir Samuel, on his way up to Gondokoro, left an officer and five men with one of the chiefs of the Shir tribe. Soon after this, the chief, thinking fire-arms a great source of strength, made a raid on one of his neighbors. Four out of the five soldiers went with him, and got killed in fair fight. The officer and remaining soldier were sick and staid at home. They were well taken care of by the natives, and afterward came up to Gondokoro. Sir Samuel gave me this version of the affair himself, after the return of the survivors, in the presence of Mr. Baker and other members of the expedition. Mr. Baker also states that Sir Samuel had no intention of allowing raids to be made on the natives in the future. One of the first acts of Sir Samuel, after the farce of annexing the country had been gone through, was to make a raid on a small tribe near us, taking their cattle to the number of 5,000, besides some thousands of sheep; he also took possession of all their plantations of grain, leaving the people in a state of starvation. Orders were issued at the same time that all natives found near the camp were to be shot down, irrespective of age or sex. This was strictly carried out. The brutal details of these cold-blooded murders I would rather not relate. Out of the numerous raids made upon the unoffending natives near Gondokoro, many of them were led by Sir Samuel in person, and cattle and sheep to the number of over 30,000 captured, and their houses plundered and wantonly burned down. Their cattle were not stolen solely for the use of the troops in camp, but were to be given to various tribes up the country on condition of their serving Sir Samuel. Naturally, the poor creatures resisted as well as they could, but what could they do against fire-arms? Mr. Baker further states that Sir Samuel always wished to preserve peace, but when the Bari war broke out, the only chance of success depended on military vigor. The only Bari war that ever existed was a night attack on our cattle-inclosures by the Laquoi tribe, which was not successful. None of our troops were either killed or wounded in the affair. After this Sir Samuel made war on the Belignan tribes, massacring them in great numbers, and burning up their country. They had taken no part in the raid made by the Laquois on our cattle, but as they were not so powerful, and were much more convenient to be got at, Sir Samuel preferred to operate on them as an example to the Laquois tribe.

Mr. Baker remarks that the ruins of Coomassie are no disgrace to the British troops, neither are the deaths occasioned by war to be avoided. Quite true, but any comparison between the British expedition to the west coast of Africa and Sir Samuel Baker's central African expedition is odious in the extreme.

Mr. Baker concludes with saying that if a military expedition is sent to annex an extensive country, war is a natural consequence, as the history of the world can tes-

tify. True, but scenes such as I have depicted are not to be met with in modern history. Sir Samuel may be able to cite instances somewhat similar from sacred history, but not otherwise.

I am at a loss to understand why Sir Samuel and Mr. Baker should have such a horror at Abou Saood being appointed Colonel Gordon's agent, when Sir Samuel appointed Mahomed Wat El-Mek to be his vakeel, and sent him down from Fatiev to Gondokoro to make cattle-raids on our neighbors, for the purpose of paying the natives of the Laboria tribe to act as porters to Sir Samuel. Perhaps the fact of the Khedive treating with contempt a proposal of Sir Samuel's to appoint Mr. Baker, "a very young man who served as a midshipman in the British navy," to succeed him as the governor of Central Africa, and also Colonel Gordon's refusal to appoint him to the situation now filled by Abou Sooad, may in a measure account for it. This man Mahomed Wat El-Mek, is described by Sir Samuel in his very interesting romance on the Albert Nyanza as a most blood-thirsty villain, steeped in crime, and the great curse of the country.

Since I last wrote to the Mail I have had a letter from Sir Samuel, in which he states he is exceedingly hurt at my letter, and is astonished I had not expressed my opinion of his mode of conducting the expedition when I was in daily communication with him in Gondokoro. I can only say it would not have been conducive to my comfort to have done so, and would have been an impertinence to my commander-in-chief. Sir Samuel stipulated in the contract made with Dr. Gedge and Mr. Higginbottom that they would not write anything connected with the expedition to the newspapers during their service, or publish any book on the expedition for the space of two years after its completion. I am under no such restraint, although Sir Samuel often entreated us not to write to our friends about the harsh measures he had used toward the natives, as he said they would possibly not understand them.

Sir Samuel has lately written to some of my companions in misery, requesting them to write something about the expedition with a view to contradict my statements. I await their communications with confidence, feeling assured that they will bear me out in the description of what occurred under our own eyes in Africa.

I remain, sir, your obedient servant,

J. M'WILLIAM,

Chief Engineer late White Nile Expedition.

8 BALMORAL TERRACE, ABERDEEN.

COLONEL GORDON'S EXPEDITION.

To the Editor:

SIR: Having just seen a letter from Sir Samuel Baker in your issue of the 24th ultimo, which is calculated (through ignorance, I am convinced, of the real circumstances) to give erroneous impressions, it becomes my duty, as Colonel Gordon's representative here, to lay the following facts before the public, which place under a totally different aspect the occurrences which Sir Samuel complains of:

1. Abou Saood was not "released as soon as Sir Samuel Baker's back was turned."
2. Abou Saood was not "appointed by the Khedive as Colonel Gordon's right-hand man."

The real facts are that upon Colonel Gordon's own solicitation to His Highness the Khedive, after he had made himself acquainted with all the circumstances, Abou Saood was set at liberty, and is now on his way to join the expedition.

In conclusion, as an old resident in Egypt, and officially in frequent direct communication with the Soudan, let me beg the public to withhold their judgment on the reasons which led to the unsuccessful termination of Sir Samuel Baker's expedition until they have before them evidence in addition to that of Sir Samuel Baker and his nephew.

Your obedient servant,

CURSON TOMPON.

CAIRO, August 8.

[Inclosure 2 in No. 235.]

[From the London Mail of July 27, 1874.]

COLONEL GORDON'S EXPEDITION.

We have been favored with a copy of a letter written by one of the gentlemen attached to Colonel Gordon's expedition to his father, which gives the most recent intelligence on the progress made in establishing a base of operations at Gondokoro. We understand that the application Colonel Gordon made to the Khedive to ask our government to permit two officers of the royal engineers to join his staff has been acceded to, and that in consequence the gentlemen named will very soon embark for Egypt.

“BERBER, PADDLE-BOAT STEAMER MTESA,
“Friday, May 22.

“Colonel Gordon turned up last Saturday, having run down from Khartoum in three days, but he very nearly came to grief on the way at one of the cataracts. There were two fellows at the wheel, and one wanted to go to the left and the other to the right of the reef, and, between them, were making straight on it when Gordon rushed to the helm and just made a shave of it; but, as it was, they carried away a lot of paddles and had rather a smash. When he arrived, he put us all to rights at Berber, and was very kind and considerate. He soon placed the very troublesome gentleman who was ordering us about, in his proper place, and was surprised to find him with us at all. As he was in the Viceroy's service, however, and cost no money, Gordon took him and the other, who is a nice fellow, but rather new to this work, as, indeed, we all are. It was arranged we were all to start next day in the steamer for Khartoum, while Gordon remained here (Berber) to meet Abou Saood, and proceed by camel back to join us, a seven-days' journey. We learned that he had had difficulty with the governor of Khartoum as to the extent of his command. The governor wished to confine it to the district between the river Soubat and the Nile, down to the lakes, but Gordon contended that he had a greater range, and the matter has, I think, been referred to Cairo. The colonel seemed to be put out a little, but I have every confidence that he will carry his point. The governor, Ismail Pasha Agoub, has absolute power and does as he pleases. Gordon has promoted all the smaller officials one step, and gave them to understand he was their master under the Viceroy. The slave-trade appears to be flourishing, and we were shown three large stations on the map. Mr. Giegler, who went from Berber to Khartoum a few days ago, met no less than eleven caravans of slaves on the way. Gordon stopped all the caravans he met, and asked the people if they wished to go on. Those who said 'No' were sent back to their families. Those who said 'Yes' were allowed to go on. About one hundred and fifty said they wished to enlist, and the colonel said he would form a regiment and give me the command; but when he first appeared all the people bolted, as they are afraid of the face of a white man. He went about the villages distributing beads, and trying to make friends, but they are in mortal fear lest their cattle should be all carried off. Abou Saood has great influence up country, and is styled 'Sultan' by the people. Khartoum is as bad as Alexandria for canards, so we must be very cautious in taking what is said about any one for gospel. The chiefs are beginning to trust us. When we get to Gondokoro we are to push on fifteen miles, to the hills, and make a camp. There will be two hundred soldiers armed with breech-loaders, and we shall have our own cattle. Our great object is to establish confidence, and show we are not robbers like the Arab traders, taking herds and children. Kemp is to ascertain how far the river is navigable toward the Albert Nyanza Lake, and is to build two large flat-bottomed boats to stow the pieces of the steamer on board of, and try and launch it on the lake, and Gordon expects that point will be settled by the time he arrives. Linant is to make excursions with small parties of soldiers and mules among the tribes, and we are all to do our best in that way to get on friendly terms, making presents, &c., but I hope that I shall be allowed to get up my regiment of black fellows. However, Gordon does not seem to expect much from it or myself, and that will make us do our best to surprise him. Mr. Gessi is to remain in charge at Khartoum for a time, and then will accompany the colonel to the Saubat, where he will be established at the junction of the two rivers, with three of the seven steamers, and close up the slave-trade there, as well as the importation of arms. The German *savans* will also take up their quarters there, and Gordon, on arriving at Gondokoro with Abou Saood, will see how we are getting on. We expect to reach Gondokoro in twenty-five days in our ten-knot steamer. After a delightful day, hot as it was, with Gordon, we made our start from Berber, which I hope, with God's help, to see again in a few years when our work is done. We had to tow some boats to save delay at Khartoum; but the Nile is very high, and twists and twines in a wonderful way, so that we soon were in trouble with our boats and broke down several times; but, thanks to Kemp, got right, and reached Damer at 9.30 on Sunday night. Next day we made an early start, and continued our course against the powerful stream through a very well cultivated and peopled country, with water-wheels in all directions. Pelicans were numerous, but our shots were not very successful. We passed Jakada at 2.30 p.m. Tuesday; same sort of country; very strong current, rushing past the river-bends like a mill-race; took the two Germans on board from a small boat, and right glad they were, as these open boats, with only a matting for a cover against the sun, are not very agreeable conveyances. The heat is great in spite of the breeze. We are seven on board and are rather jammed up. We pass enormous herds of cattle; numbers of huge crocodiles on the banks, but they slip away at the noise of the steamer. We tried fishing when we lay to, but the monsters broke all our lines, and we did not even know what they were. It was so hot we were obliged to stay below most part of the day. We reached Shendy in the evening, a large native town, and halted for the night. I got a bad thorn in my heel and could not walk. At 11 a.m. on Thursday left Shendy, but did not take our boats on, as it is too great a

strain on our engines. Here we came to dreadful navigation, rocks, sand-banks, and rapids, so that it seems impossible to work a boat up. We stop at times to take in wood. On Sunday, the 24th, at 12.30, we reached Khartoum, a wretched-looking collection of African huts, as seen from the river. The moment we moored the steamer was filled with people to salaam and congratulate us on our arrival. We had a house belonging to one of the merchants here placed at our disposal, and are very comfortable, all things considered, but the heat is trying. You can have no idea of it, unless you try to remember your hottest days in India. I cannot go about, as my foot is bad, and I must get the surgeon to cut the thorn out. Kemp and Anson were left behind in the steamers to tow up the boats we were obliged to let go as soon as they passed the cataracts, and they came up, all well, about 7 o'clock in the evening. Just fancy! There is a monastery here, and the monks have quite a pretty garden; but it is a wonder what the poor men can do out here. The bazaars are filthy generally, but there are two or three very good stores, where you can get all you want of European luxuries if you have money enough. They are kept by Greeks. What fellows they are! All over Africa wherever there is a chance of making a piaster you find a Greek going in for it.

"*Friday, 29.*—Gordon arrived here last Monday; all well. He is, of course, hampered by the delays of the boats, &c., but he is full of energy and has some to spare for those around him. I had to leave off my letter as I was a little unwell lately, but there was not much to say. Gordon lives on a different side of the river from the governor, and the band, which used to play 'God save the Queen' all day long in his honor, is now mercifully silent. Our plans are altered. Gessi and Anson started yesterday, in the Saffia steamer for the Bahr el Gazal, taking twenty-two soldiers and two thousand rounds, to cultivate relations with the people and establish themselves till Gordon arrives. Kemp and I start on board the Baraleen, with two hundred soldiers, also, and three months' provisions, and make our way to Gondokoro; where we await the colonel, whose plan is to distribute his staff as widely apart as is safe, and leave us to work out our ideas the best way we can, making friends with chiefs and people, and keeping our eyes open about slave-trading. Next mail I hope to send you some more interesting particulars of our proceedings, mode of life, prospects, &c."

[From the London Mail of August 12, 1874.]

COLONEL GORDON'S EXPEDITION.

Letters from Colonel Gordon's expedition, dated from Fashoda June 3 to 18, have been received, which left the various detachments on the White Nile, latitude 12° north, making the best of their way from Khartoum to Gondokoro. The governor of Khartoum, according to these letters, had evinced great jealousy of Colonel Gordon, and was much displeased at the dispatch of Messrs. Gessi and Anson to the Bahr el Gazelle, as he feared they would interfere with his operations there; but the people of the place were on the best terms with Colonel Gordon, whom they desired to remain with them at Khartoum. Up to May 30 the boats with the heavy goods had not arrived from Berber, and on that day Messrs. Gessi and Anson, with twenty-two white (Arab) soldiers, started for the Bahr el Gazelle, towing three large boats, with corn, &c., to make friends with the natives and look about for proper stations. Colonel Gordon has appointed as mudir (governor) there a man who was once a notorious slave-hunter, and who knows every inch of the country. They are at perpetual war, and hate the whites, *i. e.*, the Arabs, who take their cattle and ill-use them. On June 1, M. Witt, the German botanist, and the American major, with sixty soldiers, started in the Khedive steamer, with three boats in tow, for Gondokoro, and next day Kemp and Russell were ordered to follow in the Mansourah, a 100-ton paddle, and take sixty soldiers, Linant remaining behind with the colonel. A letter from the same gentleman from whom we published a letter yesterday says:

"We had a scramble to get our things on board, and I was still quite lame with a thorn in my foot, and could not be of much use. The doctor said, after probing and cutting, there was no thorn in it, but some days after we started out came a huge one in the poultice. So much for the native surgeons. The colonel came on board next day to see us off, and seemed in very good spirits. It was not till 11.30 a. m. Wednesday, June 3, we got fairly off with our boats in tow, and in half an hour had entered the White Nile. You can see the lines of colored water for a long way running side by side, the Blue Nile being now of a fine chocolate hue, and the White Nile being of a sickly pale green. There was a strong stream, and as we were towing boats, one of which belonged to a merchant of Khartoum, who had been very civil to us, and to whom Gordon had been very polite in consequence, our speed was not great. The country is flat and not much cultivated. There were plenty of hippopotamuses to be seen flopping about and raising their huge heads to take a good look; but they kept a long way off. Next day at 7 a. m. passed Mount Aouli. The river very fine, quite nine hundred yards broad. Heaps of crocodiles on the banks, and all sorts of birds,

great and small—pelicans, geese, ducks. Passed a village of houses made of sticks stuck in the ground, surrounded and covered with matting called mazaini, and saw immense herds of cattle, the natives guarding them, armed with long, broadheaded lances. The delays in cutting wood for our boilers are most frequent and tedious, and I think we must have regular wood-stations established along the river, with lighters to load the steamer. I have tried fishing to beguile the time when we halt, as we have no books or papers; but the fish break my line, and as yet I have done nothing, nor have I been successful with my long shots with the rifle from the steamer, and I am not able to walk on shore.

"*Friday, 5.*—A gale of wind against us. Tow-ropes snapping. Country very flat. Through my glass I make out great herds of antelopes and buffaloes. On 6th of June we passed Mount Arakol, and our Arab doctor left us to join a detachment of troops. We were regaled with thunder-storms and strong head-winds. The crew troublesome, and Kemp, who is very energetic, has plenty to mind in seeing they do not shirk their work. On the night of the 7th woke up to find a regular *émeute*, for while we were asleep the men quietly made the boat fast for the night beside a village. But Kemp was aroused from his sleep and forced them to start again. Their excuse was that they had nothing to eat, and wanted to procure food at the village, but we were assured at starting that there were provisions for three months on board. Next day passed through country like an English park, with fine trees to the water's edge, swarming with monkeys.

"*Tuesday, June 9.*—Arrived at the island of Abba. Caught a very odd fish like a carp, only he had two feelers from his upper jaw and two smaller below, a black head as hard as iron, and a whitish body. He grunted when taken out of the water. The soldiers came up in a body to say they had not enough to eat, and we held a court of inquiry. They showed us a large coarse biscuit each, and said that was their ration for a day. The captain was sent for, and stated that the provisions, calculated to last three months for the soldiers, consisted of these biscuits at the rate of one and a half per diem. So it was plain any way they were being deprived of one-third of their wretched rations. We ordered them to get three biscuits each, and the poor fellows went away quite contented. We intend to present them with sheep at Fashoda. I don't think our English soldiers would have given the biscuits to the pigs in a farm-yard at home. Certainly they would not have eaten them but for very hunger. The villages here are pretty numerous—all like groups of hay-cocks. The river-banks piled in places with heaps of merchandise waiting for transport.

"*Wednesday, 10.*—Lost twenty-six hours in getting in wood at this island of Abba. A few hours after we started this morning, a man appeared running along the bank and making signals. We let him come up and took him on board, almost dead with fatigue, for it turned out to be one of our pilots whom we should have taken up at his village two days ago, and there he had been running and walking after us for forty-eight hours continuously, and would have perished only for our delay. You see there is fine stuff in these fellows, as it was our own lookout if we went without him. The river here changed its character, and becomes lost in marshy land, and there are many islands. Floating plants and beds of weeds come down the stream, and it seemed to swarm with hippopotamuses. One fellow dived below the steamer and must have had a blow of the paddle, for he threw himself like a huge fish clean out of the water. As we got on, the plains appeared covered with herds of cattle, and here and there we saw natives with very long spears capering about. But the engineer, who knows the country, says that a few years ago all the way to Fashoda you would have seen the country full of natives, Shillooks, Denkas, &c., and herds in swarms, but that they are disappearing, as the Egyptians took their cattle. The natives never kill a beast unless he is going to die, but live on the milk and curds, and fine food it must be, for they are great, strong fellows.

"*Thursday, 11.*—Passed Mount Emalia, a fine, bold object, but made slow progress against the current, which grew stronger. Our boats are a great strain on us. Some Shillooks, who are said to be very warlike, and great pillagers, came down to us and seemed to be very friendly. They had no clothes to speak of, but made the most of their hair, which was done up in a peculiar way into a kind of flap round the head and over the ears, so as to form a kind of umbrella for the neck and face projecting in a thick mat, which must be splendid covert for insects. They carried long spears, with long and broad heart-shaped blades, and sticks with iron spikes at the end, but had no shields. We took seven of them, with their goats, on board in one of our boats as passengers to Fashoda, at which they were delighted—the Shillooks, not the goats, for the latter objected decidedly to the water. We had a strong breeze, almost a gale, from the south. Magnificent crested cranes stalking by the river. I had several shots at hippos about two hundred yards away, but they were mere snap chances at their heads, and as the steamer is not steady I could not make a hit. This evening, when we stopped to wood, Kemp and I went after some buffaloes, as I am now able to walk a little, but they scented the soldiers and went off. I returned on board and took to fishing, and caught a splendid fellow, twelve-pound weight, who showed great sport.

He had an immense shovel head, provided with six feelers, and as he did not look inviting, I gave him to the men, who were delighted, and made a grand feast.

"*Saturday, 13.*—The hippos have great fun with us, and the monkeys in the trees appear highly pleased or excited with the steamer. The former must see the ball, for they go down the moment the trigger is pulled. Perhaps they were giving us notice that a storm was coming, as pigs do when they run wild with straws in their mouths, for it soon began to thunder, lighten, rain, and blow in a way which you have no notion of at home, so we clawed up to the bank and made fast for the night. Hadji, our cock, was in a great state, and crowed against the thunder. We bought him at Jeddah, and he was said to have been born at Mecca, hence his name. Over and over again his life has been in danger, and once it was all up with him in the desert, only Russell and one of the men came into camp with some sand-grouse. Now, if we were all starving, not a soul would touch Hadji, and he will, we hope, astonish the natives at Gondokoro. His spirits and plumage are beautiful, and not all the lions in the world have half his courage. Two days he was without food or water, but he never desisted from his usual crow, though it became very faint at last; and if one of us pointed a finger at him he came up to do battle instantly, though scarcely able to toddle on his miserable legs. The Shillooks and their goats minded the storm far more than Hadji.

"*Thursday, 18.*—Last Sunday (June 14) the colonel (Gordon) caught us up in the *Bandeën*, paddle-steamer, and took our six boats in tow, sending the *Mansourah* back to pick up boats left behind further down, and we were transferred to his steamer, and arrived at Fashoda all well yesterday. Fashoda seems an important place for this country, though most of the houses are the common huts one sees everywhere here, which look like dingy hay-cocks, but there is a large square of mud and bricks for the soldiers, with two guns mounted at each corner. The colonel was received with all honors, soldiers and people lining the banks, and a salute of ten guns being fired, and the governor came off immediately to pay him a visit. We saw the native in the nude state, and cannot say he was a very interesting subject, though a fine fellow enough in make and stature. There are hundreds of convicts here, most of them from Cairo. Fashoda and Khartoum are the convict prisons of Egypt. There are many slaves also, and Hassan Effendi showed us a number of slave-huts, but one must be cautious in taking what one hears to be true. There is reason to think the colonel did not leave Khartoum on very good terms with the governor, but he received a most gratifying telegram from the Viceroy before he started on Wednesday week. He has now full powers over his province, which extends from the river Sanbat, and I think he will most likely take up his quarters on that river for a month, and make a regular station as soon as the things arrive. Kemp and Russell go on to Mount Rufat, at the foot of the falls, 15 miles north of Gondokoro. Gessi and Anson will not remain at Bahr el Gazelle. This morning the colonel, dressed in his uniform, with his decorations on, visited the town. He was met on the bank by the governor and suite, and crossed over to the mainland, where the troops were drawn up. Horses were ready, and the whole party made a tour of inspection of the place. There are seven steamers here, which will be turned to good account and bring in money towing the native boats, and there is to be a regular line established for passengers and traders; so, perhaps, we shall have tourist-tickets for Gondokoro before long. The natives make very clever canoes or boats out of a wonderfully-light wood called ambatal, which they fasten in bundles together; and their boats or nuggars are by no means bad. The colonel has written to the Anti-Slavery Association, to say if they send out a representative he will give him all the help in his power. What Colonel Gordon intends to do in reference to slavery I cannot say, but I imagine he is gaining information and resolving the best way of dealing with the open trade. You see the people do not think it is wrong, and one fellow at Khartoum, who knows a good deal of what is going on, said that the English and French carry on the slave-trade when it suits them, and ship off people to work on their sugar and rice fields, and want to keep the markets all to themselves. He declared he knew merchants who had seen our slaves on the Gold Coast. The demand for slaves in Turkey is enormous, and you know that in Cairo slaves are needed for all the native houses. The other day one of us dismissed a servant, and the fellow was delighted. 'I will buy a couple of slaves,' he said, 'and take them to Khartoum, where I shall sell them at a fine profit.' The colonel has accurate information as to four large trading stations for slaves. A pretty Abyssinian girl can be bought any day in Khartoum for \$40, and it will be difficult to eradicate the practice, which is justified by the Koran. The missionaries do not make any way—in fact, they retrograde; and our own efforts to put down slavery or slave-trade on the coast may give us some idea of the difficulty of dealing with it in these immense regions, where you may travel for months without meeting what is called 'a constituted authority.' The Khedive is spending enormous sums on this expedition, and has given the most explicit directions that slave-hunting is to be put down at all hazards, and Colonel Gordon, who is a very far-seeing, long-headed man, may be relied upon to take the best way of carrying out the Khedive's wishes."

VENEZUELA.

No. 804.

Mr. Russell to Mr. Fish.

No. 4.]

UNITED STATES LEGATION AT CARACAS,
July 13, 1874. (Received August 4.)

SIR: I have the honor to transmit the reply of the late minister of foreign relations to a communication of the United States minister resident, protesting against a law of Venezuela punishing false claims on the treasury. The reply is marked 2, and is accompanied by a translation.

Perhaps it is proper for me to suggest that, as Mr. Pile's letter was of September, 1873, and as the reply bears date of January 18, and as both governments have stated their views, no object can be attained by making any rejoinder to the reply of the Venezuelan minister.

I am, &c.,

THOMAS RUSSELL.

[Inclosure 1 in No. 4.]

No. 73.

LEGATION OF THE UNITED STATES OF AMERICA,
Caracas, September 3, 1873.

SIR: In addition to what I had the honor to say to your excellency a few days since, verbally and informally, in reference to the two laws Nos. 548 and 549, dated February 14, 1873, concerning foreigners, it is my duty, in obedience to instructions received from my Government, formally to state that the penalties provided in the eighth article of law No. 549 are of so extraordinary a character, and so unprecedented in criminal legislation, that the Government of the United States of America cannot consent to their enforcement in the case of citizens of that country.

I offer your excellency the assurances of my high consideration.

WILLIAM A. PILE.

His Excellency JACINTO GUTIÉRREZ,
Minister of Foreign Relations of the United States of Venezuela.

[Inclosure 2 in No 4.—Translation.]

CARACAS, January 10, 1874.

The undersigned, minister of foreign relations, had the honor to receive the note of the 3d of September last, in which the honorable minister of the United States of North America declares that, in accordance with the instructions of his Government, he is obliged to declare formally that the penalties fixed by article 8 of the law of February 14 of that year, as to claims against the republic, are of a character so extraordinary and unprecedented in criminal legislation, that the Government of the United States of America cannot consent that they be applied to citizens of that country; and his excellency the President, having considered said note in cabinet meeting, has directed the undersigned to answer it as follows:

The law referred to says, in article 1: "Those who make claims against the nation, whether citizens or foreigners, on account of wrongs, injuries, or complaints for the acts

of national officers or those of the states, whether in war, civil or international, or in time of peace, shall follow the rules fixed by this act."

Article 8 provides, that whoever appears in a *manifest* way to have exaggerated the amount of the wrongs that he has suffered, as he says, shall lose whatever right he could have had, and shall incur a fine of amount from five hundred to three thousand dollars, or shall suffer imprisonment from three to twelve months. "If it proves that the claim is *false in every respect*, the guilty party shall be subjected to a fine of from one to five thousand dollars, or to imprisonment from six to twenty-four months."

Such is the order which has led to the note which the undersigned is about to answer; and, before coming to a conclusion, it is necessary to examine and decide carefully whether the republic had a perfect right to enact this law, and whether those who come within the limits of its territory, whoever they may be, are not absolutely obliged to submit to it.

There is no principle more firmly established in international law than that which recognizes as an essential attribute of the independence and the sovereignty of nations the power of legislating on civil and criminal affairs.

All publicists unanimously agree that a sovereign and independent state wanting this power cannot be imagined; and although this doctrine may be sufficiently familiar to Mr. Minister Pile, the undersigned thinks it proper at this time to refer to some, among many, respectable authors to enforce the point.

"It is impossible to consider a state as sovereign and independent if it has not the necessary power to establish its legislation, civil and criminal. The states which lack this are deprived of one of the essential attributes of the sovereignty of nations, and should be regarded as dependent rather than as sovereign and free. Such a state could not exercise any jurisdiction, nor undertake the enterprises which it thought fit, nor make contracts; it would be, in one word, a state wholly dead and abject in the sight of the law of nations.

"The right of legislation and jurisdiction of states is complete within its own limits. Each one can and ought to regulate and determine all questions, civil and criminal; to fix the general conditions of the possession, transmission, and disposal alike of personal and of real estate; to determine the state and capacity of persons who are found therein, and the necessary requisites for the validity of contracts, and the rights and obligations that result from them; and, lastly, to fix the proceedings which must be followed for the claiming of rights and determining the mode of administering justice." (Calvo on International Rights.)

Joelx says: "Every foreigner can be judged in the country of his temporary residence for crimes and wrongs which he commits in that state. In criminal matters as in civil, the legislative and judicial power extends to the frontier of the territory, and cannot be exercised in foreign countries; but these two powers apply to all the persons who are in the territory, whether natives or strangers, equally to the acts of the one and of the other. In fact foreigners, like natives, are under the protection of the laws of the state, but equally under the obligation to observe them. The sovereign power of the state, therefore, includes, necessarily, the right to repress the violation of its laws, under the penalty of losing its sovereign existence. There is, therefore, no occasion to distinguish whether the author of the violation of the laws is a subject of the same state or a foreigner who remains in it for a time. So the fact is indifferent whether the crime or wrong has been done to the injury of a subject or a foreigner, and whether the victim is present or absent; the breach of local law exists in either case, and cannot be lost sight of because of the absence of the victim. These principles, laid down by authors who have written on the law of nations, and by those who have written on criminal law, have been sanctioned by the final decisions of nearly all modern legislation."

Pradier Fodéré lays down the same doctrine in the same words; and Twiss agrees that "the power of a nation within its own territory is by natural right exclusive and absolute; that it is not susceptible of any limitation, except such as the nation itself may fix, because any restriction imposed by an external authority upon its exercise would show a loss of independence by one nation in proportion to that restriction, and in equal proportion a gift of sovereignty to that power which had imposed such restriction. At least, any exception to the free exercise of the right of empire by a nation within its own territory should be derived from the consent of the nation itself. The right of legislation, civil and criminal, with respect to possessions or persons within the territory of a nation is a condition of the right of empire. Hence it follows that the laws of each nation affect by natural right all property within its territory, as well as all persons living in it, whether natives or foreigners."

Phillimore says the right of jurisdiction, civil and criminal, over all persons and things within the territorial limits that belong to a state, with regard to its own subjects and their property, extends, as a general rule, to foreigners living in the country.

Besides, the law in question is penal in its nature, since its object is to repress and punish the abuses and frauds which have frequently been committed in Venezuela, by claiming and obtaining, by means of false proofs, payment for imaginary wrongs; and

in a penal matter the rule is still more strict, by which the foreigner is subjected to the jurisdiction of the country in which he commits the wrong.

"It is a general principle of law," says Story, "that crimes always have a local character, and are only to be tried and punished by the laws of the state in which they are committed."

Phillimore speaks thus: "With respect to the administration of criminal law, it is necessary to remember that every person, on entering a foreign territory, binds himself by a tacit contract to obey the laws enacted in it for the maintenance of good order and for the tranquillity of the state; and it is plainly not only the right, but the duty, of a state to protect the order and security of the community intrusted to its charge, as well against the wrongs of strangers as of natives."

"In the United States of North America and in the British dominions the rule has been most firmly maintained, which limits penal jurisdiction to the territory where the offense has been committed."

Portalis says: "Each state has the right of watching for its own preservation, and in this its sovereignty resides. How could a state preserve and maintain itself if it held in its bosom men who were allowed with impunity to violate its policy and to disturb its tranquillity? The sovereign power could not effect the final object for which it has been established if men, foreigners or natives, were independent of this power. It cannot be limited, either as to things or persons. It is nothing, unless it is all. The condition of a foreigner could not be an exception, so that he should prevail against the public power which rules in the country where he lives. To dwell in a country is to submit to its sovereignty."

The law, as laid down, suffices to show that the law in question was passed by the republic with perfect right, in the exercise of its sovereignty, and the national executive could not change it in any way, nor neglect to enforce it under any pretext, nor allow it to be relaxed in compliment to any public officer.

The law is impartial in its first article as to foreigners and Venezuelans as to the proceedings which both classes must take in making claims which they have against the nation because of wrongs, injuries, or losses caused by public officers in time of war or in peace. If it fixed different rules for the two, setting up obstacles for foreigners which it did not establish for citizens, before they had opportunity to claim their rights before the proper authorities, there would be ground of complaint; but standing equal, as has been said, the pretense that North American citizens, who voluntarily and for their own convenience live in Venezuela, are in better condition than Venezuelans, and that they should not submit to the laws of the country, can only be regarded as offensive to the dignity of the republic and derogatory to the independence and sovereignty of the nation.

Even supposing that the penalties imposed by the law in question for those who undertake to defraud the public treasury by false claims are too severe, yet the claim of the North American Government is untenable, that its own citizens should not suffer, when the case arises, the same penalties which a Venezuelan would suffer in like circumstances; for, as Ortolan well says, "*Chaque état a le droit de punir les délits commis sur son territoire, sans distinction entre les délinquants nationaux ou étrangers. Et quelle loi y appliquera-t-il? Évidemment celle qui y est en vigueur, qui est la loi de cet état. Objectionne-t-on que cette loi peut être mauvaise? C'est le sort possible de toute loi positive, mais alors elle est mauvaise contre les nationaux non moins que contre les étrangers.*"

No punishment is more severe and extraordinary than that of death, fortunately abolished by our law; and no doubt such punishment is condemned by modern civilization. Yet the nations which still preserve it in their codes, in the exercise of their sovereignty, do not hesitate to enforce it against foreigners who incur its penalty, notwithstanding the claims and arguments which are made against its fitness, justice, and utility. Nor does the undersigned agree with the Hon. Mr. Pile that there is no precedent for this law in criminal legislation, for that precedent is found in the very legislation of the United States of North America.*

On the 2d of March, 1863, the United States enacted a law for the purpose of preventing and punishing frauds in promoting false claims in the same way, as the of use false documents, accounts, declarations, and proofs, in which it is provided that: "Any person in the land or naval forces of the United States * * * who shall, for the purpose of obtaining, or aiding in obtaining, the approval or payment of such claim, make, use, or cause to be made or used, any false bill, receipt, voucher, entry, roll, account, claim, statement, certificate, affidavit, or deposition, * * * may be arrested and held for trial by a court-martial, and if found guilty shall be punished by fine and imprisonment, or such other punishment as the court-martial may adjudge, save the punishment of death." Section 3, chapter 67, of the law cited enacts that any person, not belonging to the Army or Navy of the United States, nor called out in the militia nor employed in the actual service of the United States, who shall do or commit any

* 2 Brightly, 212; 12 Stats., 698.

of the acts forbidden in any of the provisions of said law, shall lose his right, and shall pay to the United States the sum of \$2,000, and also double the amount of the loss which the United States has sustained by reason of the doing or commission of such act, together with the costs of process, and such damages and expenses may be recovered in the same judgment; and in addition to this the person who is brought before the proper court shall be punished by imprisonment not less than one nor more than five years, or with a fine of not less than \$1,000 nor more than \$5,000."

Like motives prompted both laws, and identical objects were proposed to each legislature, but that of the United States of North America was much more severe than the Venezuelan, imposing a much greater penalty in like cases. And your excellency will agree that neither the Government of Venezuela, nor any other, understood that their respective citizens were declared by the North American Government to be exempt from such penalties.

The undersigned, therefore, has the duty of stating, in the name of his government, to the honorable minister resident of the United States of North America, that, when the case arises, the law of February 14, 1873, as to claims against the nation will be applied to citizens and to foreigners living in Venezuela, without any exception.

The undersigned takes advantage of this occasion to renew to the honorable Mr. Pile the declaration of his high consideration.

JACINTO GUTIERREZ.

No. 805.

Mr. Russell to Mr. Fish.

No. 6.]

UNITED STATES LEGATION AT CARACAS,
July 13, 1874. (Received August 4.)

SIR: I have the honor to report that many applications for relief have been made at this office by immigrants from the United States, who complain that they were deceived by false promises of high wages. They all came by the steamer Albemarle, and the agent of that steamer promptly agreed to carry home all that had applied before her return.

The Venezuelan government is wholly blameless in the matter, and has, through the board of immigration, treated these men with great kindness and consideration.

Their grievance is, that one Zander, a passenger-agent at New York, has represented that each laborer would receive \$1.65 in gold. No such wages are paid in this country for unskilled labor. And I write, because it may be deemed an act of humanity to warn our people against such misstatements. The condition of many who have come is deplorable.

I am, &c.,

THOMAS RUSSELL.

No. 806.

Mr. Russell to Mr. Fish.

No. 12.]

UNITED STATES LEGATION AT CARACAS.
September 11, 1874. (Received October 3.)

SIR: I have the honor to report the following facts, which are of interest to nations having relations with Venezuela:

1. An embassy has arrived from Colombia, having at its head Dr. Morillo, formerly president and minister to the United States, and has been received with extraordinary honors. The intention of both governments appears to be to settle peaceably and promptly all pending questions between the two republics.

2. The minister of foreign relations has returned from Maracaibo, where he has been serving as governor of Zulia. From this date he relieves the acting minister and takes charge of the foreign office. He is the distinguished statesman Jacinto Gutierrez.

3. Grave questions have arisen between this government and that of Italy from the seizure by the authorities of Venezuela of the brig "Edouard," and the arrest of her captain, A. Carodini, on the charge that in 1870 said vessel, then the property of other owners, and commanded by another master, carried from La Guayra to Curaçoa one Teserun, a public enemy of government, and having no passport. The vessel is at La Guayra, with the colors of Venezuela flying. The Italian chargé awaits final instructions from his government.

I shall report fully if the matter should threaten to become serious.

I am, &c.,

THOMAS RUSSELL.

No. 807.

Mr. Russell to Mr. Fish.

No. 15.]

UNITED STATES LEGATION AT CARACAS,
September 19, 1874. (Received October 23.)

SIR: Respectfully referring to my No. 6, dated July 13, I regret to report that applications are still made by immigrants for a return to New York, not only by those who came out by the steamer Albemarle, but by the more recent arrival of the Claribel. They complain of the low wages, the different modes of life, and the unaccustomed food of Venezuela. They add, that they were deceived by gross misrepresentations as to wages and the cost of living. I have no proof that this government or its agents have ever made such representations. On the contrary, the government here has acted with honor and humanity. But in some way these parties have been sadly misled, and they are suffering greatly. As proof of the recklessness of some of them, I may mention that one immigrant is a printer, who knows not a word of Spanish. Others are laborers skilled in branches of work wholly unknown here. The hardships of all are increased by their ignorance of the language.

It will be a work of humanity if anything can be done to save others from the effects of fraud, or even from the results of their own improvidence; and from motives alike of policy and humanity, I cannot doubt that Venezuela would join in efforts to that end.

I am, &c.,

THOMAS RUSSELL.

No. 808.

Mr. Russell to Mr. Fish.

No. 25.]

UNITED STATES LEGATION AT CARACAS,
October 25, 1874. (Received November 14.)

SIR: I have the honor to report that on the 23d I mailed a dispatch, via Colon, stating the fact that an insurrection existed in the State of Falcon.

Having experienced the uncertainty of the mails in various cases, I write again to repeat the announcement. The revolt is headed by General Colina, formerly vice-president, (Designado,) and, for a time, acting president of Venezuela. He is a man of mixed race—white, African, and Indian—a brave soldier, but ignorant and of intemperate habits.

The chief seat of rebellion is Coro, in the State of Falcon, formerly the State of Coro. But it is supposed to have friends in Barquesimeto, Zulia, and other States. Of this, however, there is no trustworthy information.

The government appears to be prepared fully for the rebellion, which was foretold by the President in a recent public speech at Puerto Cabello. Vigorous measures have been taken to put it down. The government never before had such resources at its command as now, and it is sustained with enthusiasm by the great body of the people; offers of services are made from all quarters, and especially from leading men, who have been politically opposed to the administration of President Guzman Blanco.

The universal opinion here is, that the insurrection will be put down, and that the government will be strengthened by it. The minister of foreign relations, Mr. Gutierrez, has gone from Caracas on business connected with the trouble, and Dr. Jesus Maria Blanco is appointed to act in his stead.

I am, &c.,

THOMAS RUSSELL.

P. S.—I have just learned that the port of La Guaira, as well as that of Puerto Cabello, is closed. I presume that vessels to and from the United States will have no difficulty in entering or leaving.

Very respectfully,

THOMAS RUSSELL.

No. 809.

Mr. Fish to Mr. Russell.

No. 23.]

DEPARTMENT OF STATE,
Washington, October 29, 1874.

SIR: Referring to your dispatch No. 15, under date of the 19th ultimo, relating to the arrival in Venezuela of emigrants from the United States, and to their disappointments and sufferings, I have to state that the Department is aware of no method either of relieving the destitute who have already gone, or from preventing others from going to that country.

I am, &c.,

HAMILTON FISH.

No. 810.

Mr. Russell to Mr. Fish.

No. 28.]

UNITED STATES LEGATION AT CARACAS,
November 6, 1874. (Received November 21.)

SIR: I have the honor to inclose herewith a proclamation of the President to the people, 1, with translation; also his proclamation of a blockade and closing of the ports of the State of Falcon, 2, with translation.

The only important port in this State is Vela de Coro, which is rarely, if ever, visited by United States vessels.

The proclamation of blockade was published October 31, and an official notice thereof was given to me November 4. No notice has been officially given that any ports, except those of Falcon, are closed, and it is understood that all others are practically open except for suspected vessels sailing for Curaçoa, which is said to be now, as heretofore, the headquarters of those who planned the insurrection, and the base of its supplies.

Every day confirms my opinion, expressed in Nos. 23 and 25, that the rebellion will be promptly and entirely crushed. The newspapers are filled with loyal addresses. Enlistments are prompt. General Pulido, who tried to incite the east to revolt, failed, and is believed to be a fugitive. It is also reported, but not credited, that General Colina has been defeated by General Marquez. It is said that President Guzman will take the field on November 9, marching for Falcon. It is to be regretted that the military operations are likely to interfere with the harvesting of the coffee-crop.

I am, &c.,

THOMAS RUSSELL.

[Inclosure 1 in No. 28.—Translation.]

Antonio Guzman Blanco, constitutional President of the United States of Venezuela:

To the Venezuelans:

FELLOW-CITIZENS: Performing one of the severe duties that the country demands in its days of affliction, I have to give you the sad news that General Leon Colina, preferring his personal ambition, as blind as it is impatient, to his duties toward the country and the liberal cause, has raised the flag of rebellion against the constitutional government of the republic.

It belongs to the people to come forward in the defense of their destinies, so impiously threatened, and for me it is the duty of offering my services with the same loyalty as in 1870.

The revolution is not against me, because I do not seek power, and because I exercise it against my will, against my private interests, and even to the injury of my health, yielding to the vote of the people, of the States, and of Congress, solemnly proclaimed and inexorably imposed. It is against the triumph of the revolution of April; against its conquests and advances, political, civil, and religious; against the liberty which the republic enjoys; against the established order; against the organized treasury; against our new-born credit; against the railroads commenced and to begin; against the roads undertaken; against the canals and aqueducts; the postal routes by land and the steam-lines that we have; against the people's schools, which I have created; against the universities and colleges, which I have revived; against the immigration, which already permeates [our country] with varied and infinite germs of prosperity, to hasten a future of greatness and civilization.

It is a revolution of the ambitious and rapacious against liberty, order, the credit, and progress of the republic, which is realizing the revolution of April. There is no body, no lawful interest, not one honorable citizen, who does not feel threatened by it, and who does not hurl against it the protest of his indignation.

But with the sad news I can at the same time inform the country that I shall con-

centrate an army of ten to twelve thousand men, posted even to-day from Barquesimeto to Caracas, because the people from State to State, from village to village, feel their sovereignty wounded by the bold attempts of the rebellion, and even before I had denounced the odious crime, have flown to take arms with the universality and enthusiasm which have always made decisive the triumph of popular causes. With this great army, which only represents the spontaneity of opinion, with 14,000 muskets which I have in the arsenal, and munitions and explosives for four campaigns, with a million of hard dollars to satisfy the cost of war, with four steamers, two of war and two for transport, it is impossible that in the end the rebels shall not be subdued, peace be re-established, and the titles of my government be strengthened.

This ambitious attempt must cause evils to the country; but perhaps it has entered into the mind of the Eternal to give a lesson to agitators, to assure the future stability of Venezuela.

As chief of the revolution of April, I count now upon the visible protection of Providence. Never have I thought of myself, but of the success and honor of the cause of which I have been the leader. During the war I neither omitted efforts nor sacrifices till the enemy remained conquered and in submission. And during the two past years of peace I have realized such a change, moral and material, and so palpable are the results, that this period may be called, without arrogance, the period of the regeneration of Venezuela.

I have done more to conjure down the war. When I asked, when, as I may say, I demanded my retirement on the 20th of February, 1873, it was not because I did not have the noble aspiration to complete the work of my mission, nor was it for the selfish pleasure of reposing in Europe; I was not seeking the theatrical glory of inopportune disinterestedness, nor was it because I felt worn out and would take care that the future should not expose me. It was solely and exclusively an act which my patriotism desired to offer to the ambition of the generals, Colina and Pulido.

I knew that neither of them could wait the constitutional end of a period of four years, and that they would make attempts against the public repose to possess themselves more speedily of a power that makes them insane, because they do not know how much they are inferior to the duties which it imposes, nor how it martyrizs those who have ideas in their heads and virtues in their hearts to perform those duties worthily.

The country has done justice to my patriotism; it believes in my disinterestedness; and it is a witness, it is more than a witness, it is an actor, in its own regeneration. It will defend this with all its power, and I will serve it with my inflexible loyalty.

Long live the federation! Long live the revolution of April! Long live the peace of the republic!

GUZMAN BLANCO.

CARACAS, *October 30, 1874.*

[Inclosure 2 in No. 28.—Translation.]

I Antonio Guzman Blanco, president of United States of Venezuela, &c.:

In the exercise of the powers with which I am invested, and having in view what has taken place in the state of Falcon, viz, an armed rebellion against the political institutions of the country and against the general government, decree:

ARTICLE 1. The coasts of the state of Falcon are declared to be closed and in a state of blockade, from the mouth of the river Tocuyo to that of the river Oribono.

ART. 2. To make this blockade effective, the necessary naval force is stationed, (or "directed.")

ART. 3. The vessels of war of friendly and neutral nations can enter, leave, and remain in the port of Vela de Coro, provided they do not in any way aid the enemies of the republic.

ART. 4. The commanders of the blockading vessels shall proceed in accordance with the ordinance, as to cruisers, of 1822 and subsequent amendments.

1st. Vessels leaving Europe, which have left their ports within two months from the date of this decree; those leaving the United States of North America within one month from said date; those leaving the West Indies, except Curaçoa and Trinidad, within fifteen days from said date; and those leaving Curaçoa, Trinidad, and Demerara after the day on which this blockade is notified to their respective authorities, on entering the waters whose coasts are blockaded, shall be notified by the commander of the blockading ship of war there present that she cannot pass the line of blockade; and only when she insists on the claim to continue in said waters shall it be considered as a case of violation of the blockade.

2d. The vessels referred to in the above shall be told, in the act of the first notification, that they may enter and discharge at any of the other ports of the republic not occupied by the rebels.

3d. When the times fixed are passed, every vessel entering the waters of the blockaded coast will be held to have been notified, and will be sent in proper custody to Porto Cabello for judgment by the admiralty court of said station.

ART. 5. The minister of state in the department of war and marine is charged with the execution of this decree, and with communicating it to those to whom it is proper.

Given, sealed by my hand, and authenticated by the minister of state of war and marine, in the federal palace of Caracas, October 31, 1874, eleventh year of the law and the sixteenth of the federation.

GUZMAN BLANCO.

Authenticated:

Minister of War and Marine,
M. Gil.

No. 811.

Mr. Russell to Mr. Fish.

No. 31.]

UNITED STATES LEGATION AT CARACAS,
November 6, 1874. (Received November 21.)

SIR: I have the honor to report that relief has been afforded to many distressed emigrants from the United States by the humanity of Messrs. H. L. Boulton & Co., (Henry Lee Boulton and Francis Schroeder,) of this city.

These gentlemen have generously sent to Philadelphia and New York, at low rates or free of payment, persons who had been induced by false representations to leave the United States for Venezuela, and who found themselves among strangers, destitute, unable to get work, ignorant of the language, and without means to return home.

This week these gentlemen have kindly given free passage in the A. B. Patterson to a family of three United States citizens who were in utter destitution, and who would have had no resource, except the charity extended to common beggars, but for the generosity of these liberal merchants.

It has seemed to me proper to make this record of the kindness extended to our distressed fellow-citizens.

I am, &c.,

THOMAS RUSSELL.

No. 812.

Mr. Fish to Mr. Russell.

No. 27.]

DEPARTMENT OF STATE,
Washington, November 25, 1874.

SIR: Your dispatch No. 28, of the 6th instant, has been received. It is accompanied, among other papers, by a proclamation of President Guzman Blanco, declaring a blockade of the coasts of the State of Falcon, from the mouth of the river Tocuyo to that of the river Oribono. The necessary force to require an observance of the blockade is professed to have been ordered to that quarter. Such a force will be necessary to impart validity to the act. It seems there is a clause making vessels of the United States which may approach the blockaded coast liable to capture after one month from the date of the proc

lamation. It is hoped that no vessels of the United States may become victims of this penalty. If the proclamation, instead of claiming a right to capture after the lapse of a certain time, had made vessels liable thereto which, after having been warned off the blockaded coast by an indorsement on their papers, afterward attempted to enter a blockaded port, it would have been more in accordance with the just rights of neutrals. The Secretary of the Navy has been requested to send a man-of-war thither.

The right to capture within a time arbitrarily limited by a blockading government is not recognized by us.

I am, &c.,

HAMILTON FISH.

No. 813.

Mr. Fish to Mr. Russell.

No. 29.]

DEPARTMENT OF STATE,
Washington, November 25, 1874.

SIR: Your dispatch No. 31, of the 6th instant, has been received. It relates to the benevolent conduct of Messrs. H. L. Boulton & Co., toward immigrants from this country in distress in Venezuela. The course of those gentlemen in this instance does them honor, and you will offer them the thanks of this Government therefor.

I am, &c.,

HAMILTON FISH.

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